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The History of the Woman's Suffrage Movement in Louisiana

Armantine M. Smith*

The woman's suffrage movement began in the North in 1848 with the first Woman's Rights Convention in Seneca Falls, New York. Organized by Elizabeth Cady Stanton, Lucritia Mott, and Mary Ann McClintock, the participants approved a Declaration of Sentiments with a plea for suffrage. Others, such as Lucy Stone and Susan B. Anthony, also joined the movement.¹ For the next twenty years, the ladies fought diligently for woman's suffrage throughout the United States. After the Civil War, however, the suffragists split over the Fifteenth Amendment. Lucy Stone and the American Equal Rights Association supported the amendment, but Anthony and Stanton refused to support it if women were not included.² After the Fifteenth Amendment was ratified, strategic preferences led to further divisions. Anthony formed the National Woman Suffrage Association to continue promoting a federal amendment for woman's suffrage.³ Lucy Stone organized the American Suffrage Association to support a state by state campaign. In 1890, the two associations joined to form the National American Woman's Suffrage Association. Anthony's amendment, first introduced in Congress in 1878, was re-introduced every succeeding year until its passage in 1920.⁴

This article traces the development of the suffrage movement in Louisiana from its inception to the passage of the Nineteenth Amendment that granted women suffrage. Section I explores the origin of the woman's movement in Louisiana. Specifically, this section examines the beginning of the woman's suffrage movement in Louisiana in Part A, the rights and obligations under Louisiana law in 1879 in Part B, and the formative years of the woman's suffrage

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1. Carmen Lindig, *The Path from the Parlor: Louisiana Women 1879-1920*, at 4-5 (1986); B.H. Gilley, *Kate Gordon and Louisiana Woman Suffrage*, 24 La. Hist. Q. 289, 292 (1983).

2. Lindig, *supra* note 1, at 6.

3. *Id.* at 6-7.

4. *Tennessee House Gives Women Ballot, Federal Amendment Is Ratified, Makes 25,000,000 New Voters*, *The Times Picayune*, Aug. 19, 1920, at 1.

movement in Part C. Section II examines woman's suffrage in Louisiana: the next generation. This section specifically addresses suffrage activities in Louisiana after the turn of the century in Part A, the Southern Woman Suffrage Conference and the splintering of the suffrage movement in Part B, and the defeat of woman's suffrage in Louisiana in Part C.

I. THE ORIGIN OF THE WOMAN'S MOVEMENT IN LOUISIANA

Most early suffragists were from the North and West. In the South, however, there were barriers to the suffrage movement as the idealized image of the southern lady lingered long after the Civil War. Because white southern men were passionately devoted to preserving southern civilization and society, the cult of chivalry that permeated upper class elites made it very difficult to develop strong suffrage organizations.⁵ For white southern men, men and women had different roles because of their natures and responsibilities. Women, excluded from political and public life, were the guardians of southern virtue.⁶ Southern white women had the responsibility of instilling southern culture in future generations. Thus, they played a critical role in preserving the values of "the Lost Cause," the preservation of antebellum Southern society.⁷

The social organization in the South also posed a barrier to woman's suffrage. George Fitzhugh championed the cause of slaveholder society. He described the social order in the antebellum South by pointing to what he considered to be the social and economic advantages of a slave system compared to those of free enterprise. Fitzhugh wrote,

The success of the Southern farming is a striking instance of the value of the association of capital and laborers . . . The dissociation of labor and disintegration of society, which liberty and free competition occasion, is especially injurious to poorer classes; for besides the labor necessary to support the family, the poor man is burdened with the care of finding a home, and procuring employment, and attending to all domestic wants and concerns. Slavery relieves our slaves of these cares altogether and slavery is a form, and the very best form, of socialism.⁸

5. Lindig, *supra* note 1, at 9.

6. Marjorie S. Wheeler, *New Women of the New South: The Leaders of the Woman Suffrage Movement in the Southern States* 4 (1993).

7. *Id.*

8. George Fitzhugh, *Sociology for the South: or, The Failure of Free Society* 27-28 (1854), available at <http://docsouth.unc.edu>. The Documenting the

Fitzhugh, like many southerners, believed that slavery was actually advantageous to the slave. He viewed the results of slavery to be preferable to those obtained by a free society. According to Fitzhugh:

The association of labor properly carried out under a common head or ruler, would render labor more efficient, relieve the laborer of many of the cares of household affairs, and protect and support him in sickness and old age, besides preventing the too great reduction of wages by redundancy of labor and free competition. Slavery attains all these results. What else will?⁹

George Fitzhugh saw slavery as a form of protection for workers under the maxim "love thy neighbor as thyself." To him, the great truth at the foundation of all society was "that every man has property in his fellow-man."¹⁰ Rather than viewing slave society as a means of protecting the power and wealth of a few male landowners, Fitzhugh described slave society as a form of socialism "intended to protect the weak, the poor and the ignorant."¹¹

Women in slave society were the subjects of the family government with the master as the ruler. Fitzhugh explained,

[S]laves, wives, and children have no other government; they do not come directly in contact with the institutions and rulers of the state. But the family government, from its nature, has ever been despotic. The relations between the parent or master and his family subjects are too various, minute, and delicate, to be arranged, defined, and enforced by law. God has in his mercy and wisdom provided a better check, to temper and direct the power of the master of the family . . . He has extended the broad panoply of domestic affection over them all . . .¹²

In his description Fitzhugh explained the order of society in which the husband and master exercised autonomy and authority over his wife, children, and slaves. As the lord and master of the family government he functioned in large measure separate from the law. He was the intermediate ruler between the state and family unit. Domestic affection that emanated from God directed the master's

American South online collection is maintained by the Academic Affairs Library of the University of North Carolina at Chapel Hill.

9. *Id.* at 28.

10. *Id.* at 69.

11. *Id.* at 80.

12. *Id.* at 106.

control and reign. Fitzhugh considered this social hierarchy to be the will of God. According to Fitzhugh, "God . . . instituted slavery from the first, as he instituted marriage and parental authority . . . Wife and children, although not free, are relieved from care and anxiety, supported and protected, and their situation is as happy and desirable as that of the husband and parent."¹³ Supposedly in slaveholder society both black and white women were treated with kindness and humanity.¹⁴ This romanticized version of slaveholder society sustained the customs and traditions that oppressed black persons and subjugated women.

Moreover, in slaveholder society, women only had the right to protection with the concomitant duty to obey the husband. If she stepped out of her prescribed role, she was subject to abuse and ridicule. Fitzhugh described woman's proper sphere:

So long as she is nervous, fickle, capricious, delicate, diffident and dependent, man will worship and adore her . . . In truth, woman, like children, has but one right, and that is the right to protection. The right to protection involves the obligation to obey. A husband, a lord and master, whom she should love, honor and obey, nature designed for every woman . . . If she be obedient, she is in little danger of maltreatment; if she stands upon her rights, is coarse and masculine, man loathes and despises her, and ends by abusing her . . . The men of the South take care of the women of the South . . . The generous sentiments of slaveholders are sufficient guarantee of the rights of woman.¹⁵

Thus, the men in the South prescribed and protected the rights of women according to their own sentiments. If a woman ventured beyond her sphere of obedience and service to her master and asserted her rights, she was an outcast from the rigidly-ordered male-dominated society.

The cornerstone of southern society was white supremacy, which white men attempted to restore and preserve after the Civil War through state sovereignty.¹⁶ For southern men, reconstruction after the Civil War brought unwelcome political, social, and economic changes by granting citizenship rights to the freed slaves. The white men, who considered themselves the natural leaders, were disfranchised for their participation in the war. They lost control over black persons. Society seemed in chaos. White men believed that the

13. *Id.* at 167.

14. *Id.* at 213.

15. *Id.* at 214-16 (quoted in part in Lindig, *supra* note 1, at 15).

16. Wheeler, *supra* note 6, at 4.

war was the height of Southern virtue in defense of a just society. Therefore, they attempted to preserve their superior civilization by reestablishing their domination over the former slaves.¹⁷ This resulted in the disfranchisement and segregation of black persons by law in the South.

The Southern white men considered the woman's rights movement a product of an inferior Northern culture. They equated the suffrage movement with abolitionism. To them, the same women promoted the dangerous belief of equality of the sexes, in the disregard of social distinctions. The men also equated the suffragists with the proponents of the Fourteenth and Fifteenth Amendments. These women opposed state sovereignty and promoted political and social change in the South.¹⁸ Their goals directly conflicted with those of Southern white men.

Despite the restrictive structure of gender roles in the South, the roles of some sheltered southern women expanded during the Civil War as they aided the war effort on the home front. After the war, many widows provided the only support for themselves and their families. Many married women experienced dire poverty and also sought employment outside of the home.¹⁹ Previously upper class ladies became writers and teachers, while others ran boarding houses and stores or worked as milliners and dressmakers.²⁰ A new "southern lady" emerged as women moved out of their traditional spheres to participate publicly in the life of the community.

After women experienced public activity, many refused to return to the restrictive life of the private sphere.²¹ Their new roles, however, were limited. Women who worked for benevolent causes and community improvements were accepted. However, when women of pride and confidence sought further public responsibilities, they were largely barred. This spurred a few to take actions to improve their status. "The door from the parlor had been opened, and they did not intend it to be slammed in their face."²²

A. The Beginning of the Woman's Suffrage Movement in Louisiana

The spark that prompted the women of Louisiana to first appear before a public body to express their grievances occurred in 1878 when a resident of St. Ann's Asylum, an institution in New Orleans for destitute woman and children, bequeathed \$1,000 to the asylum

17. *Id.* at 5.

18. *Id.* at 4-5.

19. Lindig, *supra* note 1, at 18.

20. *Id.*

21. *Id.* at 19.

22. *Id.*

through a will that the resident executed on her deathbed. Caroline Merrick and the other members of the asylum's all female Board of Control witnessed the will. The probate court declared the will invalid because women, the insane, and idiots were incompetent witnesses. Therefore, the bequest escheated to the state. The women began "thinking and agitating" because the legal inequity outraged "the hearts of a few who had the vision of seers."²³

One of the women with that vision was Caroline Merrick. Caroline Merrick (1825-1908) grew up in Cottage Hall, five miles from Jackson, Louisiana. Her father was the trustee of the school that became Centenary College of the Methodist Episcopal Church South.²⁴ At a young age, Merrick began to resent the rigid constraints on women in southern society in the nineteenth century. When her father told her she could not ride horses with only a female companion, she submitted to his authority without protesting. However, she longed to say, "There is a word sweeter than 'mother, home, or heaven,' and that word is 'liberty.'"²⁵ Even as a young girl, Merrick formed values reflected in her later public role in support of women's rights. Merrick explained, "I early ascertained that girls had a sphere wherein they were expected to remain and that the despotic hand of some man was continually lifted to keep them revolving in a certain prescribed and very restricted orbit."²⁶

Another early leader of Louisiana's woman's rights movement was Elizabeth Lyle Saxon. Saxon was born in Greenville, Tennessee in 1832. Saxon was two years old when her mother died. The family then moved to Westumpka, Alabama where Saxon spent her childhood. Her father raised her, allowing her to freely roam the fields in the countryside and to grow up as naturally as a boy. From her father Saxon learned the concepts of righteousness and justice reflected in her later temperance, suffrage, and humanitarian work.²⁷ Saxon received her education from Caroline Les Hentze, a renowned writer at the time. Under her teacher's influence, Saxon herself became an author of prose and poetry.²⁸

Saxon married when she was sixteen years old and lived in Alabama until 1855 when she and her husband moved to New York.²⁹ Saxon returned to Alabama in 1860 where she remained throughout

23. Caroline Merrick, *Old Times in Dixieland: A Southern Matron's Memoirs* 124-25 (1901), available at <http://docsouth.unc.edu/merrick/merrick.html>.

24. *Id.* at 12-13. For a biographical account of Merrick's life, see Lindig, *supra* note 1, at 21-31.

25. Merrick, *supra* note 23, at 11.

26. *Id.* at 12 (quoted in Lindig, *supra* note 1, at 23).

27. Lindig, *supra* note 1, at 32.

28. *Id.*

29. *Id.*

the Civil War. She headed an association of eighty women to sew hundreds of garments for the soldiers. She also raised money for the war effort by holding concerts and shows. She worked to furnish hospitals with supplies and clothing.³⁰ Despite her war efforts, Saxon hated slavery in all its forms. She considered the day Alabama seceded from the Union to be the saddest day of her life.³¹ After the war, Saxon moved with her family to New Orleans where she remained until late in 1879.³²

In response to the incident at St. Ann's Asylum, Elizabeth Saxon urged Merrick to appear with her to take their political grievances before the Louisiana Constitutional Convention of 1879. However, Merrick, who had recently lost a daughter, was still grieving and was uncertain if she was up to the task. Merrick's husband insisted that she always wanted to help women and this was her opportunity. Saxon suggested, "Instead of grieving yourself to death for your daughter who is gone, rise up out of the ashes and do something for the other women who are left!"³³

Elizabeth Saxon and Caroline Merrick drew up a petition and secured signatures of 400 influential persons. Saxon alone obtained 300. The petition listed the following grievances:

All women, of whatever age or capacity, have been debarred from the right of representation, notwithstanding the burdensome taxes which they have paid.

They have been excluded from holding office save in cases of a special tutorship in limited degree—or of administration only in special cases.

They have been debarred from being witnesses in wills or notarial acts, even when executed by their own sex.

As a question of civilization, we look upon the enfranchisement of woman as an all important one . . . Should the entire franchise seem too extended a privilege, we most earnestly urge the adoption of a property qualification, and that women may also be allowed to vote on school and education matters, involving as they do women and children in a great degree.

So large a portion of taxes of Louisiana is paid by women, many of them without male representatives, that in granting consideration and relief, . . . the people will recognize Justice and Equity; that to women as well as man "taxation without

30. Elizabeth L. Saxon, War Times Reminiscences 33-34 (1896), available at <http://docsouth.unc.edu/index.html>.

31. *Id.* at 18. See also Lindig, *supra* note 1, at 33.

32. Lindig, *supra* note 1, at 35.

33. Merrick, *supra* note 23, at 125. See also Lindig, *supra* note 1, at 37.

representation is tyranny" she being "a person, a citizen, a freeholder, a taxpayer," the same as man, only the government has never held out the same fostering, protecting hand to all alike, nor ever will, until women are directly represented.³⁴

Saxon and Merrick sent their petition to the Constitutional Convention, and it was referred to the Committee on Suffrage. The Committee on Suffrage then invited the ladies to a conference on May 7, 1879. Elizabeth Saxon, who spoke for an hour before the committee, became the first woman in Louisiana to address a public body. As an introduction, Saxon read a letter from Emily Parmely Collins, a resident of Ponchatoula. The letter entreated the men of the Convention to "cast aside all old time prejudices and adopt an organic law . . . so to frame a constitution that will restrain unwise, reckless, mercenary or partisan legislation."³⁵ Collins explained that if the men felt that she was exceeding her prerogative, she was a citizen even though the government denied her rights of citizenship and taxed her while disenfranchising her.³⁶ Collins argued for "extending the elective franchise to women tax-payers, which would be adding a large conservative element to the body politic—an element composed of the most virtuous, loyal and intelligent people in the commonwealth."³⁷ Collins asserted that the entire interests of the women were united inseparably with the interests of the State, "which imperatively demands that this class of citizens should no longer be treated as aliens, as the State needs their votes now . . . to neutralize those of the vicious and ignorant, who have no financial or other interest in the community unless it be to rob the treasury."³⁸ Thus, Collins suggested that the votes of the worthy women of the community would counter the effect of corrupt Reconstruction politicians who plundered and depleted the State's assets. The reference to the votes of the ignorant may also be a reference to the newly enfranchised black males or immigrants.

Furthermore, Saxon countered the argument that women would not exercise the right to vote, by pointing out that no one proposed to disfranchise the whole male sex for that same reason. Saxon used a letter from the Speaker of the House of Representatives of Wyoming that attested to the great success of female suffrage in that state. The governor of Wyoming had also referred to the benign effect of

34. Merrick, *supra* note 23, at 125-26 (quoted in part in Lindig, *supra* note 1, at 37-38).

35. *Female Suffrage*, The Daily Picayune, May 8, 1879, at 2.

36. *Id.*

37. *Id.*

38. *Id.*

woman's suffrage in several messages to the Wyoming legislature.³⁹ Saxon attributed the progress in society over the centuries to the increased social participation of women who were then beginning to establish professional lives. Saxon explained that "the women of the last half of the nineteenth century were not the women of the fifteenth"; that "the women of today were not the women of the dark ages of the world; that civilization had advanced according to the advancement of women and that they are filling positions with credit and ability in all the learned professions."⁴⁰ Therefore, women were capable of intelligently casting their ballots. Saxon appealed to the vanity of the Convention members to ask for equal rights. She claimed that "even now, women could look for a recognition of their equal political rights, only to men of superior minds—of broader, higher, more advanced ideas, such men as composed the Convention."⁴¹

As for the legal basis supporting woman's suffrage, Saxon asserted that "[g]overnments derive their just powers from the consent of the governed. The principal upon which this Government is founded was 'no taxation without representation.' By embodying an article in the constitution granting female suffrage, the ratification of the constitution would be established beyond a doubt."⁴² Saxon called any government unjust that excluded half of its citizens from eligibility to vote. Relying on her temperance rhetoric, she exclaimed that "the presence of women even in a boisterous or drunken crowd of men" had a positive and humanizing effect. "Who dare say that the presence of women at the polls would not have the same result!"⁴³

Moreover, Saxon addressed other legal issues involving women. In keeping with her temperance philosophy, she countered the arguments that favored the ban of the sale of liquor only on Sunday. She said that "if such a law were passed, men who took their families to harmless places of recreation on the Sabbath, would buy liquor on Saturday night, get drunk on Sunday, and beat their wives instead of taking them to the lake or a pic-nic."⁴⁴ Saxon professed that women required the ballot for their protection even more than men because of their "naturally helpless and dependent conditions without it. Men make war and women suffer from the results thereof."⁴⁵ As evidence of her visionary perspective on women's rights, Saxon also argued for allowing women to serve as jurors. She expressed the view that

39. *Id.*

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

modifications could be made for women just as some men were exempt by law from jury duty for many causes. She posited that women would be better jurors than men when women were on trial. Additionally, Saxon believed that the condition of women in society reflected the integrity of the men. She said, "Show me the women of a nation and I will tell you the character of the men."⁴⁶ Saxon challenged the insecurity of men who were afraid of relinquishing their dominant position in society by giving women the vote. She said that "[t]hey say we are a power behind the throne now, and perhaps you think if you give us the ballot we would become greater than the throne itself."⁴⁷ The chairman asked if she would appear before the full Convention in the event the committee issues a favorable report. Saxon promptly replied, "I would, I would lay my life down for the cause, if necessary, to insure its success."⁴⁸

The committee did issue a favorable report. Dr. Harriette Keating, a representative of professional women, Saxon, by then a well-known social reformer, and Merrick, a voice from home, appeared before the Convention on June 6, 1879. Eighty-six members and fifty women attended. Mr. Poche, the Chairman of the Suffrage Committee and later a member of the Louisiana Supreme Court, asked Merrick if she was afraid. Merrick replied, "Afraid is not the word. I'm scared almost to death."⁴⁹ Despite their fears, the women advanced their arguments.

Harriet Keating spoke first. She argued that women had the capacity to sufficiently master political science to intelligently vote on current issues.⁵⁰ Elizabeth Saxon reviewed the customs of many nations to which women conformed. She also noted that the first party to support woman's suffrage would command twelve million votes. Additionally, she argued that the sex of the voter was neither a qualifying nor disqualifying determinant of the ability to vote intelligently.⁵¹ Responding to the call, Mr. Robertson from St. Landry Parish then introduced a resolution that stated: "Resolved, that the Committee on elective franchise be directed to embody in the articles upon suffrage reported to this Convention, a provision giving the right of suffrage to women upon the same terms as to men."⁵²

Afraid that the delegates would not hear her, Merrick proposed that her son-in-law read her speech. Saxon intervened, saying, "You do not want a man to represent you at the polls; represent yourself

46. *Id.*

47. *Id.*

48. *Id.*

49. Merrick, *supra* note 23, at 127.

50. *Id.*

51. *Id.* at 128.

52. *Id.*

now, if you only stand up and move your lips."⁵³ Merrick agreed, and spoke next. Merrick initially explained to the men why the women left the private domestic sphere to speak in public:

Perhaps some of the gentlemen thought we did not possess the moral courage to venture even thus far from the retirement in which we have always preferred to dwell. Be assured that a resolute and conscientious woman can put aside her individual preferences at the call of duty, and act unselfishly for the good of others.⁵⁴

Merrick then advanced several arguments for woman's suffrage. Merrick first argued against taxation without representation. She stated,

The laws on the statute books permit us to own property and enjoy its revenues, but do not permit us to say who shall collect taxes. We are thus compelled to assist in the support of the State in an enforced way, when we ourselves would greatly prefer to do the same thing with our own intelligent, free consent.⁵⁵

Second, Merrick explained how woman's role in the domestic sphere prepared her for an active public role. She said,

It seems to me that there ought to be a time . . . when we shall cease to be minors, when the sympathy and assistance we are so capable of furnishing in the domestic relation, may in a smaller degree be available for the good and economical management of public affairs. It really appears strange to us, after we have brought up children and regulated our houses, where we often have the entire responsibility, with money and valuables placed in our charge, that a man could be found who would humiliate us by expressing an absolute fear to trust us with the ballot.⁵⁶

Third, Merrick pointed out that the quest for women's rights was international in scope. She argued that in many countries, "there is an army of earnest, thoughtful, large-hearted women, working day and night to elevate their sex; for higher education; to open new avenues for their industrious hands; trying to make women helpers of man, instead of millstones round his neck to sink him in his life struggle."⁵⁷

Fourth, Merrick asked the men to extend the franchise to women in the name of justice because the vote for women was inevitable. She pleaded,

53. *Id.* See also Lindig, *supra* note 1, at 39-40.

54. Merrick, *supra* note 23, at 129.

55. *Id.*

56. *Id.* at 30 (quoted in part in Lindig, *supra* note 1, at 40).

57. *Id.*

Ah, if we could only infuse into your souls the courage which we, constitutionally timid as we are, now feel on this subject, you would not only dare but hasten to perform this act of justice and inaugurate the beginning of the end which all but the blind can see is surely and steadily approaching.⁵⁸

Fifth, Merrick explained that the women begged for the franchise even if that meant being subjected to an educational test and property qualifications. She implored,

We are willing to accept anything. We have always been in the position of beggars, as now, and cannot be choosers if we wished. We shall gladly accept the franchise on any terms, provided they be wholly and entirely honorable. If you should see proper to subject us to an educational test . . . we would try to attain it; if you require a considerable property qualification, we would not complain.⁵⁹

Sixth, Merrick compared the position of women to that of the former slaves who exercised the franchise under the Fifteenth Amendment. In doing so, she depicted the former masters, who comprised her audience, as kind and human in their treatment of slaves and women. Also, she portrayed former slaves, like women, as happy and content with their former treatment. Merrick asked,

[A]re we less prepared for the intelligent exercise of the right of suffrage than were the freedmen when it was conferred on them? . . . In old times, most of our slaves were happy and contented. Under the rules of good and humane masters, they gave themselves no trouble to grasp after unattainable freedom which was beyond their reach. So it is with us today. We are happy and kindly treated . . . and are in the enjoyment of the numerous privileges which our chivalrous gentlemen are so ready to accord; many of us who feel a wish for freedom do not venture to whisper even a single word about our rights.⁶⁰

Thus, Merrick appealed that the women were as intelligent and prepared to vote as black men who already had the ballot. Also, that many women dared not to whisper a word about their rights revealed the continuing effects of the woman's position in slaveholder society. In the antebellum South, a woman who spoke of her rights was subject to abuse and rejection. However, this stood in stark contrast

58. *Id.*

59. *Id.* at 130-31.

60. *Id.* at 131.

to the courteous and respectful reception given to the women who spoke at the convention.⁶¹ Merrick concluded,

I cannot see how the simple act of voting can hurt or injure a true and noble woman any more than it degrades the brave and honorable man . . . We implore you to reach out your hands and help us to establish that free and equal companionship which God ordained in the beginning in the Garden of Eden before the serpent came and curses fell.⁶²

Merrick countered any religious argument in opposition to women's rights with a religious appeal of her own. Clearly, Merrick argued for freedom and equality with men. She viewed women as men's companions, not subordinates.

At the convention, Colonel John M. Sandige read a letter by Mrs. Sarah A. Dorsey that she wrote on her deathbed only days before she succumbed to breast cancer. When Elizabeth Saxon requested the letter from Dorsey for the Convention, Dorsey responded, "How better can I employ my life's closing hours? I will write that letter, if it will be the last effort of my life."⁶³ Saxon asked Mrs. Dorsey if she supported the ballot only for women who owned property. Once the owner of five hundred slaves, Mrs. Dorsey rebuked, "If I need the ballot to protect me, surely my negro sister needs it too."⁶⁴ In her letter, Mrs. Dorsey stated,

Being left by the fiat of God entirely alone in the world, with no man to represent me; having large interests in the State, and no voice either in representation or taxation, while hundreds of my negro lessees vote and control my life and property, I feel I ought to say one word that may aid many other women whom fate has left equally destitute. I ask for representation for taxation—for my sisters and for the future race. We do not expect to do men's work, we can never pass the limits which nature herself has set. But we ask for justice; we ask for the removal of unnatural restrictions that are contrary to the elemental spirit of the civil law, we do not ask for rights, but for permission to assume our natural responsibilities.⁶⁵

The argument accepted the limited roles for women based on the perceived natural inequality between women and men and the inability of women to perform men's work. However, the appeal was

61. See Merrick, *supra* note 23, at 129.

62. *Id.* at 131-32.

63. Elizabeth L. Saxon, *Mrs. Saxon's Friend: The Lady Who Left a Fortune to Jefferson Davis*, newspaper clipping, Lyle Saxon Scrapbook, Archives Department, Howard Tilton Library, Tulane University.

64. *Id.*

65. Merrick, *supra* note 23, at 132.

for an end to the arbitrary restrictions, such as voting, that were not based on natural differences between men and women. Dorsey argued not for rights but for responsibilities grounded in natural law.

The ladies' appearance before the Convention created a sensation throughout the state. They were pleased at their reception by the delegates and were hopeful of a positive outcome.⁶⁶ Nevertheless, they only received one minor concession, which greatly disappointed them. The suffrage articles of the Constitutional Convention of 1879 provided that every male citizen who was twenty-one years old was entitled to vote if: (1) he was a resident of the state for the preceding year; (2) he was a resident of the parish for the preceding six months; and (3) he was a resident of the ward or precinct for the preceding thirty days. In accordance with the Fifteenth Amendment, the Constitution provided that no qualification of any kind restrained his suffrage "on account of race, color or previous condition of servitude."⁶⁷ Article 232, the concession to women, stated, "Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of the State."⁶⁸

Nevertheless, women received no real benefit from the law because Article 232 remained dormant until 1885. In that year, a woman for the first time demanded a seat on the school board in New Orleans, but Governor McEnery refused the appointment.⁶⁹ McEnery argued that Article 232 was inoperative because neither the article nor the legislature had repealed the existing laws that created essential differences between men and women. He believed that these unamended laws restricted a woman's ability to fulfill her school board duties. For example, if a husband changed his domicile, his wife had to follow him, and she would have to vacate her position. Also, a wife could not sign a bond if necessary without her husband's consent. Moreover, because a husband was bound in solido with his wife, he would share her office.⁷⁰ Thus, the governor was correct in asserting that married women suffered many legal disabilities in Louisiana in 1885.

However, Merrick wasted no time in answering the governor. She argued to the Women's Club of New Orleans that the Constitution was controlling. She stated that to declare legislation to be "self-acting and absolute would be to place the creature in control of the creator."⁷¹ Merrick asserted that the legislature did not have jurisdiction over women's eligibility for appointment to school

66. Lindig, *supra* note 1, at 40.

67. La. Const. of 1879, art. 185.

68. La. Const. of 1879, art. 232.

69. Lindig, *supra* note 1, at 41.

70. *Id.*

71. Merrick, *supra* note 23, at 134.

boards, which the Constitution established. Moreover, the governor's objections had no application to unmarried women and widows.⁷² Merrick pointed out that a husband could sign the wife's bond. He might not move while she held office. In fact, if a husband assisted his wife in her office, the two would have superior knowledge than the husband had acting alone.⁷³ Nevertheless, the governor was unpersuaded. Many of the legal disabilities of married women under Louisiana law cited by the governor remained in effect until 1978.

B. Women's Rights and Obligations under Louisiana Law in 1879

The rights and obligations of married women under Louisiana law was determined by status, the mechanism under Civil Law used to prescribe a differential distribution of rights and obligations among persons. Persons were "beings capable of having rights and obligations."⁷⁴ Under the civil codes of the nineteenth century, all human beings by their nature were persons. However, the extent to which a person realized juridical capacity depended on his status in the legal system.⁷⁵ Redactors of the Code's legal regimes justified status by the protection of persons who shared a common, naturally limiting characteristic and by the maintenance of social order.⁷⁶ In the Digest of the Civil Laws Now in Force in the Territory of Orleans (the Digest of 1808), the first compilation of Louisiana law, women, children, illegitimates, the unborn, the insane, slaves, freed persons and minors were among those identified for differential treatment.⁷⁷ Louisiana lawmakers did not alter the pattern for 180 years.⁷⁸ In 1808, "sex alone distinguished men from women and established the essential differences in their civil, social, and political rights."⁷⁹ The Digest of 1808 explained, "Whilst men are capable of all kinds of engagements and functions, disqualified only by reasons and causes applying to particular individuals only, women are, by their sex alone, rendered incapable of various civil engagements and functions . . ."⁸⁰ The Civil Code of 1825, the first code drafted after statehood,

72. *Id.*

73. Lindig, *supra* note 1, at 41.

74. Jeanne L. Carriere, *From Status to Persons in Book I, Title I of the Civil Code*, 73 Tul. L. Rev. 1263, 1267 (1999) (quoting Marcel Planiol & George Ripert, *Treatise on the Civil Law*, pt. 2, ch. 1, no. 3007, at 243 (La. St. L. Inst. trans., 12th ed. 1959)).

75. *Id.* at 1268.

76. *Id.* at 1274.

77. A Digest of the Civil Laws Now in Force in the Territory of Orleans, Book I, Title I, ch. 1 (1808) [this and other sections hereinafter referred to as Digest of 1808].

78. Carriere, *supra* note 74, at 1276.

79. Digest of 1808, Book I, Title IV, art. 1.

80. *Id.*

rejected the approach of ascribing the gender differences of the sexes only to nature. Article 24 stated, "Laws, on account of the differences of the sexes, have established essential differences with respect to their civil, social, and political rights."⁸¹

Under the revision of the Civil Code in 1870, the first major revision of the Civil Code of 1825, the goal was to eliminate the articles pertaining to slavery after Congress passed the Thirteenth Amendment. Only a few minor concessions alleviated women's legal disabilities.⁸² The changes in the Code of 1870 did not affect the structures, theory, or substance of most of the provisions. The Code of 1870 was merely a re-enactment of the Code of 1825 with "a few amendments, . . . simplifications of language, correction of incongruities, additions to relieve insufficiencies, and orderly management of the subject matter."⁸³ The Civil Code of 1870 altered the status of women by making incapacity the source of women's legal disabilities, not their legal personality.⁸⁴ The Code explained, "Men are capable of all kinds of engagements and functions, unless disqualified by reasons and causes applying to particular individuals. Women cannot be appointed to any public office, nor perform any civil functions, except those which the law specially declares them capable of exercising."⁸⁵ Thus, in the 1870s women could only engage in the civil functions enumerated by law. The suffragists, led by Merrick and Saxon, lived under the restrictive legal regimes enumerated in the revised Civil Code of 1870. This section surveys the parameters of their rights in 1879 by examining: (1) the rights and obligations of husbands and wives, (2) dowry, (3) paraphernal property, and (4) the community of acquets and gains. When applicable, the references to the Digest of 1808 trace the articles to the original codification in 1808.

1. The Rights and Obligations of Husband and Wife

Women had no other domicile than that of their husbands.⁸⁶ A wife was "bound to live with her husband and to follow him, wherever he chooses to reside."⁸⁷ In return, her husband had an obligation of support. The law bound him "to receive her and to furnish her with whatever is required for the convenience of life in

81. La. Civ. Code art. 24 (1825).

82. Carriere, *supra* note 74, at 1278.

83. A.N. Yiannopoulos, Louisiana Civil Law System Coursebook, Part I, at 35 (1997).

84. Carriere, *supra* note 74, at 1279.

85. La. Civ. Code art. 25 (1870).

86. Digest of 1808, Book I, Title II, art. 7; La. Civ. Code art. 39 (1870).

87. La. Civ. Code art. 120 (1870); *see* Digest of 1808, Book IV, Title I, art. 20.

proportion to his means and conditions."⁸⁸ The law prevented a wife from appearing in court without either the authority of her husband⁸⁹ or judicial authorization.⁹⁰ A wife could not make a donation during her lifetime.⁹¹ However, the law allowed a wife to be a public merchant and possess separate property.⁹²

Nevertheless, the law restricted a wife's property rights. She was unable to alienate, grant, mortgage, or acquire property, either by gratuitous or encumbered title, unless her husband concurred in the act or gave his consent in writing. This rule applied even if she owned separate property.⁹³ Along with "persons of insane mind," interdicted persons, and minors,⁹⁴ married women generally were deprived of the capacity to contract without their husbands' or a judge's authority. A wife's only recourse was to bring her husband to court. The judge could then empower her to pass the act after hearing her husband's reasons for his refusal or after his default.⁹⁵ A husband's authorization to the commercial contracts of his wife was presumed if he allowed her to conduct business in her own name. The law also presumed that a husband authorized his wife's contracts for necessary items for herself and her family.⁹⁶ However, if a married woman wanted to borrow money or contract to bind herself or her separate property, she needed a judge to examine her to determine the object of the indebtedness. If the debt was for her husband's separate benefit, his debts, his separate estate, or the community, then the judge refused authorization.⁹⁷

2. *The Dowry*

Upon entering marriage, whatever was stated in a marriage contract to belong to the wife or given to her "on account of the marriage" by someone other than her husband, was part of her dowry unless stipulated otherwise.⁹⁸ The dowry belonged to the husband to enjoy for the duration of the marriage.⁹⁹ The income or proceeds of the dowry belonged to the husband. They were intended to help him

88. Digest of 1808, Book I, Title IV, art. 20; La. Civ. Code art. 120 (1870).

89. Digest of 1808, Book I, Title IV, art. 21; La. Civ. Code art. 121 (1870).

90. Digest of 1808, Book I, Title IV, art. 23; La. Civ. Code art. 124 (1870).

91. La. Civ. Code art. 1480 (1870).

92. Digest of 1808, Book I, Title IV, art. 21; La. Civ. Code art. 121 (1870).

93. Digest of 1808, Book I, Title IV, art. 22; La. Civ. Code art. 122 (1870).

94. Digest of 1808, Book III, Title II, art. 24; La. Civ. Code art. 1782 (1870).

95. Digest of 1808, Book I, Title IV, art. 24; La. Civ. Code art. 125 (1870).

96. La. Civ. Code art. 1786 (1870).

97. La. Civ. Code art. 128 (1870).

98. La. Civ. Code art. 2338 (1870); *see* Digest of 1808, Book III, Title V, arts.

16, 17.

99. Digest of 1808, Book III, Title V, art. 26; La. Civ. Code art. 2347 (1870).

support the expenses of the marriage, the maintenance of himself, his wife, and children, or other expenses that the husband deemed fit.¹⁰⁰ A husband acting alone had administration of the dowry. A wife could not deprive him of this right even though she remained the owner of the property.¹⁰¹ If the dowry contained movable property, and the marriage contract did not declare that the estimated value was not a sale, the husband became the owner. He then only owed his wife the estimated value.¹⁰² However, the husband never became the owner of an immovable.¹⁰³ A wife's consent was necessary to alienate an immovable.¹⁰⁴

A wife had a claim to the dowry only after termination of the marriage. If the marriage lasted for ten years after the dowry became due, the wife or her heirs could claim the dowry from the husband upon dissolution of the marriage.¹⁰⁵ A wife had a legal mortgage on her husband's immovables, and a privilege on her husband's movables to be paid in preference of his creditors who acquired their rights after the wife. This provided restitution of her dowry, replacement of any dotal effects alienated by the husband, and replacement of dotal effects the wife acquired during the marriage by succession or donation.¹⁰⁶ Thus, a wife retained ownership of the immovable property subject to the dowry, but her husband was the administrator and could unilaterally spend the proceeds of the property. Also, the husband owned the movable property, and only owed its estimated value. If her husband was insolvent or had no trade or profession when the father gave the dowry, a wife only had to collate to her father's succession her action for reimbursement against her husband's succession.¹⁰⁷ Collation was the "supposed or real return of property to the mass of the succession . . . in order that such property may be divided together with the other effects of the

100. Digest of 1808, Book III, Title V, art. 28; La. Civ. Code art. 2349 (1870).

101. Digest of 1808, Book III, Title V, art. 29; La. Civ. Code art. 2350 (1870).

102. Digest of 1808, Book III, Title V, art. 33; La. Civ. Code art. 2354 (1870). Movables were things that could be carried from place to place whether they moved by themselves or by extraneous power. Digest of 1808, Book II, Title I, arts. 13, 14; La. Civ. Code art. 473 (1870). An immovable was a thing that could not move by itself or be removed from place to place. Things were immovable by their nature, by their destination, or by the "object to which they were applied." La. Civ. Code arts. 453, 454 (1870).

103. Digest of 1808, Book III, Title II, art. 34 (1808); La. Civ. Code art. 2355 (1870).

104. La. Civ. Code art. 2360 (1870). See Digest of 1808, Book III, Title V, art. 5 (The husband must restore the immovable upon dissolution of the marriage).

105. Digest of 1808, Book III, Title V, art. 51; La. Civ. Code art. 2352 (1870).

106. La. Civ. Code art. 2376 (1870). See Digest of 1808, Book III, Title V, art. 53. The Digest contained these provisions, and also repeated the privilege under prior law that preferred the wife over the husband's creditors with a prior mortgage.

107. Digest of 1808, Book III, Title V, art. 54; La. Civ. Code art. 2381 (1870).

succession."¹⁰⁸ Children and grandchildren coming to the succession of their father, mother, and other ascendants had to collate all donations inter vivos, those donations the ascendant made during his lifetime.¹⁰⁹ However, if a husband became insolvent during the marriage or if he had a trade or profession, the wife alone bore the loss of her dowry.¹¹⁰ If a wife had no dowry or if the value of her dowry was small compared to the financial condition of her husband, the surviving spouse could claim the marital portion. The marital portion was one-fourth of the full property of the succession if there were no children of the marriage.¹¹¹

3. *The Paraphernal Property*

Any property "not declared to be the wife's dowry, to be brought to the marriage by the wife, to be given to her in consideration of the marriage, or to belong to the wife at the time of her marriage," was paraphernal property.¹¹² The law allowed a wife to personally administer her paraphernal property without her husband's assistance.¹¹³ However, if a wife did not administer her paraphernal property alone, the law recognized her husband to be the administrator.¹¹⁴ In this case, the fruits of the property became community property when the spouses had a community property regime. If they did not have a community property regime, each person owned the fruits that he alone received as long as the wife did not oppose her husband's administration.¹¹⁵ Moreover, if all of a wife's property was paraphernal and she administered it alone, she bore the marital expenses up to one-half of her income.¹¹⁶ Also, a wife needed her husband's authorization to alienate her paraphernal property.¹¹⁷ Nevertheless, if a wife proved in court that her husband received the amount of the alienated property or if he disposed of it

108. La. Civ. Code art. 1227 (1870).

109. La. Civ. Code art. 1228 (1870).

110. Digest of 1808, Book III, Title V, art. 54; La. Civ. Code art. 2381 (1870).

111. Digest of 1808, Book III, Title V, art. 55; La. Civ. Code art. 2382 (1870).

112. Digest of 1808, Book III, Title V, art. 56; La. Civ. Code art. 2360 (1870).

113. Digest of 1808, Book III, Title V, art. 50; La. Civ. Code art. 2385 (1870).

114. La. Civ. Code art. 2385 (1870).

115. La. Civ. Code arts. 2386, 2388 (1870). See Digest of 1808, Book III, Title V, art. 60 (If the husband enjoyed the paraphernal effects of the wife without her objection, he was bound only to account for existing profits on the wife's demand or at the dissolution of the marriage). See also Digest of 1808, Book III, Title V, art. 61 (If the husband enjoyed the paraphernal effects over the wife's opposition, he answered for the existing profits and those he used).

116. La. Civ. Code art. 2389 (1870). See Digest of 1808, Book III, Title V, art. 57 (The wife must distribute one-third of her income).

117. Digest of 1808, Book III, Title V, art. 518.

in his own interest, she obtained a legal mortgage on all of her husband's property for reimbursement.¹¹⁸ Even during the marriage, a wife had a right of action against her husband for restitution of her paraphernal property and its fruits.¹¹⁹ This was an exception to the rule that women could not sue their husbands.

4. *The Community of Acquets and Gains*

Every marriage contracted in Louisiana was under a community of acquets and gains, unless the parties stipulated that no partnership existed between them.¹²⁰ If no community existed, a wife enjoyed the sole administration of her movable and immovable property as well as revenue from her property.¹²¹ She was also free to alienate her property.¹²² However, a wife lacked the capacity to alienate her immovable property without authorization from her husband or a judge. This rule applied even if her property was separated by contract or by judgment.¹²³ Additionally, a wife could not bind herself for or with her husband for debts that he contracted before or during the marriage even if her property was separate.¹²⁴ Moreover, a wife had to contribute one-half of her income to the marital expenses.¹²⁵

The community of acquets and gains consisted of the profits of all the effects of the marriage, the produce of the reciprocal industry and labor of the husband and wife, and the estates they acquired during the marriage by donations made to both of them. The community also included purchases, even those in only the name of one spouse.¹²⁶ Debts acquired during the marriage were also part of the community and were paid out of community funds. Debts of either spouse acquired before marriage were paid out of their own personal effects.¹²⁷ Under the community property regime, a husband was the "head and master" of the community.¹²⁸ He unilaterally administered the property, disposed of its revenues, and alienated it by onerous title

118. La. Civ. Code art. 2390 (1870). See Digest of 1808, Book III, Title V, art. 62.

119. La. Civ. Code art. 2391 (1870).

120. La. Civ. Code art. 2392 (1870).

121. La. Civ. Code art. 2393 (1870).

122. La. Civ. Code art. 2394 (1870).

123. La. Civ. Code art. 2397 (1870).

124. La. Civ. Code art. 2398 (1870).

125. La. Civ. Code art. 2395 (1870).

126. Digest of 1808, Book III, Title V, art. 64; La. Civ. Code art. 2402 (1870).

127. Digest of 1808, Book III, Title V, art. 65; La. Civ. Code art. 2403 (1870).

128. Digest of 1808, Book III, Title V, art. 66; La. Civ. Code art. 2404 (1870).

without the wife's permission or consent.¹²⁹ A husband, however, could not make a gratuitous donation of the community immovables, or the whole or a portion of the community movables during his lifetime unless it was for the "establishment of the children of the marriage."¹³⁰ He could, however, make gratuitous donations of particular community movables to any person.¹³¹ If a husband disposed of community property fraudulently to injure his wife, she could sue her husband's heirs if she could prove the fraud.¹³²

Upon the dissolution of the marriage, all property possessed by a husband or his wife was presumed to be common effects or gains. A spouse rebutted the presumption if he proved which effects he brought to the marriage, which he alone received as gifts, and which he alone inherited.¹³³ These effects were separate property. The community effects and the profits from the effects each spouse brought to the marriage were divided into equal portions between a husband and his wife.¹³⁴ Both a husband and his wife were equally liable for the debts contracted during the marriage¹³⁵ even though the law prevented the wife from contracting any of the debts. A wife, however, had the right to renounce the community to exonerate herself from community debts. She would then lose her rights to community assets, if any existed.¹³⁶

A wife who preserved her right to renounce had to make an inventory of community assets. Only her linens and clothes were exempt from the inventory.¹³⁷ While conducting the inventory, a wife received maintenance and provisions for her servants out of the existing funds. If those funds were insufficient, she could borrow on the common stock if she exercised the privilege moderately.¹³⁸ A wife owed no rent for her residence if it was community property or belonged to her husband's heirs. If she rented the marital residence, the rent was a community debt for the period of conducting the inventory.¹³⁹

Thus, a wife could not spend her own earnings, which were described as community property under her husband's control. Also,

129. Digest of 1808, Book III, Title V, art. 66; La. Civ. Code art. 2404 (1870).

130. Digest of 1808, Book III, Title V, art. 66; La. Civ. Code art. 2404 (1870).

131. Digest of 1808, Book III, Title V, art. 66; La. Civ. Code art. 2404 (1870).

132. Digest of 1808, Book III, Title V, art. 66; La. Civ. Code art. 2404 (1870).

133. Digest of 1808, Book III, Title V, art. 67; La. Civ. Code art. 2405 (1870).

134. Digest of 1808, Book III, Title V, art. 68; La. Civ. Code art. 2406 (1870).

135. Digest of 1808, Book III, Title V, art. 71; La. Civ. Code art. 2409 (1870).

136. Digest of 1808, Book III, Title V, art. 72; La. Civ. Code arts. 2410, 2411 (1870).

137. Digest of 1808, Book III, Title V, art. 75; La. Civ. Code art. 2416 (1870).

138. Digest of 1808, Book III, Title V, art. 83; La. Civ. Code art. 2422 (1870).

139. Digest of 1808, Book III, Title V, art. 83; La. Civ. Code art. 2422 (1870).

she could not obligate community property for her debts. Therefore, a wife could not obtain credit because she did not have access to her one-half of the community property to furnish as security.¹⁴⁰ In fact, a wife had no right to exercise ownership rights to her one-half of the community property, use the fruits of the community property, or dispose of the community property until the community property regime was dissolved by death, divorce, legal separation, or a judgment of separation of property.

5. *Relief from Legal Disabilities*

The first major advance toward equality for married women came in 1916 with the first Married Women's Emancipation Act. The act allowed women to contract, to bind herself personally regarding her paraphernal property, and to appear in court, sue, and be sued as if she were a femme sole.¹⁴¹ By 1921 women had the same rights, authority, privileges, and immunities as men. They were enabled to hold office including the civil functions of tutor, under tutor, curator, under curator, administrator, executor, arbitrator, and notary public.¹⁴² A 1928 act emancipated married women from all legal disabilities and incapacities while enabling them to make contracts and assume all obligations allowed by law. No act, contract, or obligation required the husband's or judge's authorization to be valid or effective.¹⁴³ The law also allowed married women to institute or defend suits and appear in judicial proceedings without their husbands' or a judge's authority.¹⁴⁴ An earlier enactment in 1926 allowed married women to personally assume obligations and dispose of their property for their husband's or the community's benefit.¹⁴⁵ Nevertheless, all of the acts left untouched the law governing the community of acquets and gains prescribing rules for separate property.¹⁴⁶

Louisiana lawmakers finally amended Civil Code articles 24 and 25, the articles on status, to gender neutral terms in 1920. However, these measures left unaltered the provisions in the legal regimes of the code. Also, the amendment of the status articles only granted equal capacity, unless the law provided otherwise. The law did provide many exceptions. Moreover, the code allowed the differentiation of rights

140. Nina N. Pugh, *The Evolving Role of Women in the Louisiana Law: Recent Legislative and Judicial Changes*, 42 La. L. Rev. 1571, 1575 (1982).

141. 1916 La. Acts No. 94, §1.

142. 1921 La. Acts, Ex. Sess., No. 34, §1.

143. 1928 La. Acts, Ex. Sess., No. 283, §1.

144. 1928 La. Acts, Ex. Sess., No. 283, §2.

145. 1926 La. Acts No. 132, §1; 1928 La. Acts No. 283, §3.

146. 1916 La. Acts No. 94, §1; 1918 La. Acts No. 244, §1; 1920 La. Acts No. 219, §1; 1926 La. Acts No. 132, §4; 1928 La. Acts No. 283, §5.

based on conditions, which served as a proxy for sex.¹⁴⁷ The legislature finally amended the codal provisions regulating community property along with other provisions of the code pertaining to married women in 1978. The "head and master" rule finally ended.¹⁴⁸

C. *The Formative Years of the Woman's Suffrage Movement*

The suffragists undertook no immediate suffrage activity in Louisiana following the Constitutional Convention of 1879. Shortly after the Convention, Elizabeth Saxon left New Orleans for twelve years. In 1879, she traveled with Susan B. Anthony to Washington, D.C. to speak to a national woman's suffrage convention. Saxon also appeared before the Senate Judiciary Committee in 1889, then traveled throughout New England to promote the cause of suffrage with Anthony.¹⁴⁹ In 1882, she organized fifty chapters of the Women's Christian Temperance Union throughout the country. In 1885, Elizabeth Cady Stanton appointed Saxon president of the Tennessee Suffrage Association.¹⁵⁰

The influence of the temperance movement permeated Saxon's suffrage philosophy. Saxon's writings reflected the oratory of Frances Willard, the president of the Women's Christian Temperance Union for two decades. In *My First Home Protection Address* delivered by Frances Willard in 1876, Willard advocated suffrage for women to vote down saloon licenses. Willard believed that temperance issues were properly within the woman's sphere of home and family. Alcohol threatened the home by causing men to become abusive, by draining household resources, and by luring children into crime and dissolution. Therefore, women needed "Home Protection" ballots to regulate and prohibit alcohol.¹⁵¹

To Willard, the most compelling reason for temperance was the protection of the home because alcohol "we know by centuries of demonstration will so craze men that they will commit every crime and show the subtlest cruelty to those they love the best."¹⁵² Willard attributed part of the problem to the votes of immigrant men "with their tradition of whiskey and beer."¹⁵³ Willard's solution was to

147. Carriere, *supra* note 74, at 6.

148. Pugh, *supra* note 140, at 1571.

149. Lindig, *supra* note 1, at 43.

150. *Id.*

151. Richard W. Leeman, "Do Everything" Reform: The Oratory of Frances E. Willard 33 (1992).

152. Frances Willard, *Home Protection* (1879), in Richard W. Leeman, "Do Everything" Reform: The Oratory of Frances E. Willard 121, 124 (1992).

153. *Id.*

[s]trengthen the sinews of old King Majority, by counting in the home vote to offset that of Hamburg and Cort, and let American customs survive by utilizing . . . the opinion of those gentle natives who are the necessary and the tender guardians of the home, of tempted manhood and untaught little children.¹⁵⁴

According to Willard, only granting the vote to women would cure the social ills perpetrated by men and their votes. Willard explained,

Hands which have just put aside the beer mug, the decanter, and the greasy pack of cards are casting ballots which undermine the Sabbath, license social crimes that shall be nameless, and open 250,000 dram shops in the shadow of the church and public school. I solemnly call upon my countrymen to release those other hands, familiar with the pages of the Book of God, busied with sacred duties of the home and grace in deeds of charity, that they may drop in those white ballots, which, as God lives, alone can save the state!¹⁵⁵

Thus, only the votes of virtuous womanhood could save the home and country from the ballot in the hands of men filled with vice. According to Willard, the instinct for self-protection against domestic violence would guide women in voting against "King Alcohol." Willard believed that alcohol gave "dangerous strength the arm already so much stronger than her own . . . and so crazes the brain God meant to guide that manly arm that it strikes down the wife a man loves and the little children for whom when sober he would die."¹⁵⁶ A second reason that women would cast their votes against alcohol was the instinct of a woman's love as a mother, a wife, a sister, and a daughter. Willard explained, "[T]hrough that magic lens, the powerful sunglass we term the ballot, they shall converge their power, and burn and blaze on the saloon, till it shrivels up and in lurid vapors curls away like mist under the hot gaze of sunshine."¹⁵⁷ Willard exclaimed, "Let the great guns of influence . . . be swung to the level of benignant use and pointed on election day straight into the faces of the foe!"¹⁵⁸

Like Willard, Saxon believed that alcohol caused the downfall of men and destroyed marriages. She said, "Men have sold their birthright, many of them, for the 'mess of tobacco and whiskey pottage.' Boys imitated them until their young brain is sodden, weakened, before they are grown. Desire for money to gratify every

154. *Id.*

155. *Id.*

156. *Id.* at 128.

157. *Id.*

158. *Id.* at 129.

passion causes men to shrink from marriage."¹⁵⁹ Saxon described the effect of tobacco and whiskey on women who were forced to forego what they valued most in life: "Women wisely see the evil that marriage with drinking men brings, and remain single; all the true, the pure, the holy things in life are sacrificed. A voice cries in warning and urges new conditions to check the evil, conservatism is wounded, and every avenue of advance is barred."¹⁶⁰ Thus, Saxon described how the temperance ladies who cautioned against the evil of alcohol offended the conservative men who barred their reforms. Yet, Saxon remained steadfast and optimistic about the final outcome of the temperance efforts. She predicted: "So, out of the seething mass of wrong and crime reforms will rise so gigantic in their gathered force and power that they will overwhelm the combined forces of evil that seek to destroy America, by the perverted use of her great symbol of liberty, the ballot."¹⁶¹

Also like Willard, Saxon believed that the corrupt male votes threatened the home and country. Saxon asked, "Can it be possible that we are to go on in the same manner, allowing ignorance and vice, manipulated by corrupt partisans, to make laws for the home, that will eventually sweep the very idea of the Republic from existence?"¹⁶² She described elections in Tennessee being corrupted by ignorant and drunken men who threatened the home with their votes:

[T]wenty-two men were taken from jail, their fines paid by the whiskey men, and their votes given for liquor. The chain gang was voted by them, and the women who worked at the polls must have felt a thrill of indignant shame, when drunken and ignorant, white and black, were voting the curse over their home.¹⁶³

Saxon spent fifteen months observing the women's vote in fifty-nine Kansas counties. This convinced her of "its utility, its benefits, and its necessity in our government."¹⁶⁴ According to Saxon, the women's votes would end corruption in society. She wrote, "[M]en would be ashamed at her walking up in the dignity of a free-born, sober citizenship, casting her ballot, and returning home. This could be done in half an hour, and every one count against the traffic in human life, honor, and decency."¹⁶⁵ Like Willard, Saxon believed that women would cast their ballots against the liquor industry's interests. Saxon

159. Elizabeth L. Saxon, *A Nation's Peril*, Memphis Tennessee, Oct. 10, 1887, newspaper clipping, Lyle Saxon Scrapbook, Archives Department, Howard Tilton Library, Tulane University [hereinafter Saxon, *A Nation's Peril*].

160. *Id.*

161. *Id.*

162. *Id.*

163. *Id.*

164. *Id.*

165. *Id.*

reasoned, "Every single man who fights suffrage in the whiskey cause, is on that ground alone opposed to us, because we will legislate against liquor."¹⁶⁶ Saxon advocated a civil role for women as a way to protect the nation's life and women's spiritual and maternal lives. According to Saxon:

[A]ll will admit that the family, without its female head, is soon dissolved and its members scattered. What is the nation other than a collection of families? If it is not good for a man to be alone socially, neither is it civilly, for man rules by sex power, and forces woman from the element of motherly affection and higher spiritual strength.¹⁶⁷

Saxon admonished Southern newspapers that opposed woman's suffrage as "too cowardly to publish the truth, saying 'our people are not ready for it.'" Saxon replied, "When will they be ready? Who is to teach them? They were not ready for temperance, either, until they were educated into it."¹⁶⁸ Saxon recalled her work for temperance and the home ballot in Tennessee in 1885:

I worked as a roadbreaker in the mountains of Tennessee years ago . . . calling people from curiosity alone, who heard and felt that women plead as man could not, from a soul wrung by the suffering from drink, and believed that women had a right to speak for home. Yes, and a hundred of those men think she has also a right to vote, too, as well.¹⁶⁹

Saxon not only espoused the temperance philosophy, but also advocated for the expanded social roles for women promoted by national suffragists.¹⁷⁰ Temperance leaders emphasized self-improvement and equality of women in their familiar roles as housekeepers, wives, mothers, and good citizens. Individual change came through abstinence and humanitarian and charitable activities. In contrast, the suffragists emphasized the woman's need for equality in the public spheres traditionally reserved for men, such as higher education, church leadership, politics, and professional life.¹⁷¹ Temperance women organized their efforts around help for dependent persons, moral reform, and charitable work rather than radically

166. *Id.*

167. Elizabeth L. Saxon, *Woman Suffrage Again*, New Orleans, Jan. 19, 1877, newspaper clipping, Lyle Saxon Scrapbook, Archives Department, Howard Tilton Library, Tulane University.

168. Saxon, *A Nation's Peril*, *supra* note 159.

169. *Id.*

170. *Id.*

171. Janet Z. Giele, *Two Paths to Equality, Temperance, Suffrage, and the Origins of Modern Feminism* 73 (1995).

challenging women's subordination.¹⁷² Saxon's efforts blended both approaches. However, Saxon's strong philosophical ties to temperance influenced her work on other women's issues. The scope of Saxon's advocacy extended beyond the sphere of home and family to include women's expanded educational roles. Referring to the success of women in higher education, Saxon posited,

I can tell you why they ran ahead of men. Like the negro, women were for ages debarred from study, until ambition fired and women's hearts were bitter under the restraint . . . When women did enter colleges, they felt the honor of womankind was at stake, and studied instead of spending their time in cricket, and base ball, drinking, smoking and hazing . . . and other manly accomplishments.¹⁷³

Her temperance influence was evident when Saxon praised the studious characters of women compared with the drunken characters of men that limited their educational successes and their abilities to compete with women. Saxon's temperance influence also surfaced in her view of women's participation in occupational roles outside of the domestic sphere. Saxon responded to charges that women were unfit by their nature for work outside of the home by praising the hard work that women already did inside the home. With biting sarcasm, Saxon pointed out that men never complained about women working until women earned more than merely room and board for their efforts. Saxon exclaimed,

Once men cried out: Oh no! Any work outside the home, in schools, church, store—anywhere, would unsex them. Then Dr. Clark tried to prove that they couldn't learn, for they, by nature, were constituted so that learning would kill them. Then he tried to prove that work would destroy their health, and render them unfit for natural duty. He never concerned himself about their standing up, cooking, washing, cleaning and scrubbing in the house. Oh, no, that was good for them; it was only when they got a few shackles, instead of board and clothes . . . that the Doctor's soul was fired with ambition to show how unfitted they were for labor.¹⁷⁴

Additionally, Saxon's temperance influence extended to her work with prostitutes. Saxon explained how her work with prostitutes led her to the cause of suffrage:

172. *Id.* at 84.

173. *Phoebe Asked to Talk: Women Taking Up the Cudgel Against Dr. Rhodes*, newspaper clipping, Lyle Saxon Scrapbook, Archives Department, Howard Tilton Library, Tulane University (quoting Elizabeth Lyle Saxon).

174. *Id.*

I know what the reform of fallen women means. I've worked for them, and many a dying prostitute's hand has held my own . . . Think you, if society had not hunted her out and down that her young soul would ever have entered into the great maelstrom of the world? It was lesson learned in helping the wretched fallen of my own sex that turned me into a woman-suffragist. Cold my heart, palsied my tongue, and paralyzed my hand forever, when they cease to work for law-making power to be placed in the hands of women.¹⁷⁵

Saxon's temperance background is evident in her suggestion that the prostitutes were ruined because men hunted them. Once again, righteous women were the victims of the existing social order. The answer to the denigration of prostitutes was the ballot in the hands of women who would cure the social ills through their votes.

Upon her return to New Orleans in 1892, Saxon organized a mass meeting to oppose the Harman Ordinance that would have licensed prostitution. On the morning of the protest, Mayor Fitzpatrick wrote to Saxon, advising her that he planned to veto the measure. He believed that the ordinance was an unsuccessful attempt to eradicate the evil, a bestowal of unrestricted power upon a few persons, and an unauthorized entrance into respectable private homes.¹⁷⁶ At the women's meeting, Saxon gave her address. She objected to "the attempt to regulate vice by the harrowing and punishing of one party with the other going scott free." Her temperance influence surfaced as she continued:

There should be one code of morality for both sexes
Ninety-nine percent of these women were driven to a life of sin through want . . . and hopeless surroundings and man's perfidy and lack of honor These women are the prey of our sons, our brothers, and husbands, and in turn prey upon our sons and husbands.¹⁷⁷

Carolyn Merrick was also heavily influenced by the temperance cause. In 1882, Francis Willard asked Caroline Merrick to assist her in organizing a city and state chapter of the Women's Christian

175. *Id.*

176. *Doomed: The Harmon Ordinance Will be Vetoed*, newspaper clipping, Lyle Saxon Scrapbook, Archives Department, Howard Tilton Library, Tulane University.

177. *The Woman's Meeting: Resolutions Thanking the Mayor, The Times-Democrat, and the Press Generally—A Dramatic Meeting*, newspaper clipping, Lyle Saxon scrapbook, Archives Department, Howard Tilton Library, Tulane University. *But see* Lindig, *supra* note 1, at 65-66 (providing a different account of the veto announcement).

Temperance Union. Merrick agreed and became president for two years.¹⁷⁸ During the 1880s women's clubs also flourished in Louisiana. The first southern Woman's Club was formed in New Orleans for the purpose of promoting women's mental and moral advancement.¹⁷⁹ In 1891, women for the first time formed a political action group, the Anti-Lottery League. The league was instrumental in arousing public awareness in opposition to the state lottery that was eventually banned.¹⁸⁰ Saxon and Merrick participated heavily in these activities.

1. The Cause of Suffrage Resumed

The cause of woman's suffrage resumed in 1892 when Merrick, along with nine other "strong, progressive, and intellectual" New Orleans women, organized the Portia Club. Merrick was the first president, and Saxon was the second president.¹⁸¹ The Portia Club debates gained the attention of larger audiences and the press, which helped to publicize the cause of women's rights. For example, on May 12, 1893, in a debate on the question—"Has the Entrance of Women Into the Wage-Earning World Been a Benefit to Civilization?"—Caroline Merrick presented an allegory that gained significant attention. In the allegory, an angel came down to earth and approached a creature called humanity, dressed one half in linen and broadcloth and one half in silk, lace, and jewels. One hand was in a sling with his leg on the same side bent by bandages so that it could not touch the ground. This caused the creature to move with jerks and hops. The angel asked humanity to explain the absurdity. Humanity explained that one half of him was male and the other half female. God ordained the female to be weaker and subject to the other half. The female foot was too good to be placed on the ground. The fingers were too tender to be soiled by work. "My male side is strong, noble, and willing to carry the female side if it will only be quiet and stay in its place and say it has all the rights it wants." The angel asked if he ever liberated the other half. Humanity said, "Yes, it is the mother of the other half, but it must be kept in its sphere all the same," such as when dinner must be cooked or clothes washed. The angel pointed out that humanity could never make progress or reach perfection unless the female side was liberated to have "justice and equality ruling in all the members of your body." Humanity responded, "[W]e love our dear women better than ourselves, but we cannot trust them. If they had equality, every saloon would be shut down and man could not find a

178. Merrick, *supra* note 23, at 142-44.

179. Lindig, *supra* note 1, at 50-51.

180. Merrick, *supra* note 23, at 144.

181. *Id.* at 218. See also Lindig, *supra* note 1, at 57.

drink to save his life, and I would rather hobble and stop progress than change the current state of existence."¹⁸² Thus, according to Merrick, the quest for women's equality was thwarted by the male half of society that would rather stop progress than give up its desire for drinking. Her temperance influence surfaced even in her equality rhetoric.

In 1895, the Portia Club divided and the ERA Club, Equal Rights for All Club, formed. After a visit in 1895 by Carrie Chapman Catt and Susan B. Anthony generated interest in suffrage, the two clubs cooperated in forming the Louisiana Woman Suffrage Association with Merrick as its first president.¹⁸³ In 1898, the ERA Club initiated another movement to amend the Louisiana State Constitution to include woman's suffrage.¹⁸⁴

2. *The Constitutional Convention of 1898*

The voters of the state called a Constitutional Convention to amend the state's suffrage laws and to bring about election reform by eliminating the black vote. The voters demanded election reform to "get away from the trickery that has been necessary in the past to secure white supremacy in Louisiana."¹⁸⁵ The Convention had the power to adopt a Constitution without even submitting it to the voters for ratification.¹⁸⁶

Mr. Tebault expressed the prevailing sentiment at the Convention in Resolution No. 102 that preserved the subject matter of a lecture by a professor at Tulane Law School. According to the resolution, the origin of the Civil War was the election of Abraham Lincoln on the platform that the *Dred Scott* decision was not binding on the country.¹⁸⁷

182. *The Portia Club, an Organization in the Interest of Female Suffrage: The Enlarged Sphere of Women's Usefulness the Subject of Debate*, The Daily Picayune, May 13, 1893, at 3. See also Lindig, *supra* note 1, at 58-59.

183. Pamela Tyler, *Silk Stockings and Ballot Boxes: Women and Politics in New Orleans 1920-1965*, at 60 (1996); Lindig, *supra* note 1, at 60-61.

184. Lindig, *supra* note 1, at 113.

185. Thomas W. Shields, *The Political and Social Background of the Suffrage Changes of 1898 in Louisiana* 68 (1930) (unpublished M.A. thesis, Louisiana State University, on file with author) (quoting New Orleans Times Democrat, Feb. 15, 1898). The uproar was in response to the election of 1896 in which blood was shed in Opelousas over which party would secure the black vote. Blacks were intimidated from voting throughout the state, and some were accused of selling their votes. *Id.* at 54-55. In East Baton Rouge Parish a ballot box was thrown in the Mississippi River because it did not contain Democratic Party votes. For two weeks the results in the three parishes were unknown because of ballot box stuffing. The final results were only estimated. *Id.* at 55.

186. *Id.* at 66.

187. Official Journal of Proceedings of the Constitutional Convention of the

The Supreme Court decided that "a free negro was not and never had been regarded as a citizen either of the colonies or of the State previous to the formation of the United States, and, therefore, never could be a citizen of the United States."¹⁸⁸

According to the resolution, the South thought that the North elected Lincoln based on a platform that repudiated the authority of the Supreme Court merely because the *Dred Scott* decision was in favor of the South. This contradicted the North's position that the Supreme Court was the final arbiter of the Constitution, so the South went to war over it.¹⁸⁹ Then, the slaves became citizens. Later, the Fifteenth Amendment provided that the citizens' voting rights could not be denied or abridged "on account of race, color, or previous condition of servitude."¹⁹⁰ The North thought that the amendment secured the predominance of the Republican Party because blacks were in the majority in many Southern states. However, according to the resolution, the Fifteenth Amendment did not give blacks the right to vote because the State could still discriminate based on any reason except "race, color, or previous condition of servitude."¹⁹¹ The amendment only granted blacks the right not to be discriminated against based on race.¹⁹² Therefore, the Convention delegates were free to adopt voting qualifications other than race to discriminate against the black citizens.

Against this backdrop, the ladies sought to seize the opportunity to secure woman's suffrage. A flood prevented many of the ERA-Portia Club delegation from attending the suffrage committee meeting. However, Mrs. Lewis S. Graham, Katharine Noble, and Kate and Jean Gordon addressed the committee. Their petition stated,

In view of the fact that one of the purposes of this Convention is to provide an educational qualification for the exercise of the franchise by which to guard more carefully the welfare of the State, we the undersigned, believing that still another change would likewise conduce greatly to the welfare of our people, pray that your honorable body will, after deciding on the qualifications deemed necessary, extend the franchise with the same qualifications to the women of this State.¹⁹³

State of Louisiana, Feb. 9, 1898, at 109.

188. *Id.*

189. *Id.* at 109-10.

190. See U. S. Const. amend. XV.

191. Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, Feb. 9, 1898, at 110.

192. *Id.*

193. Merrick, *supra* note 23, at 222-23.

Several committee members for a time considered suffrage as a way to ensure white supremacy.¹⁹⁴ Dr. Henry Dickson Burns, a member of the suffrage committee, pleaded unsuccessfully to bring a woman's suffrage proposal to the full convention for consideration.¹⁹⁵ Mrs. Carrie Chapman Catt, Organizational Committee Chairman of the National American Woman Suffrage Association, along with Mary Garnett Hay of Indiana, Laura Clay of Kentucky, and Francis Griffin gave addresses inside and outside of the Convention.¹⁹⁶ Mr. A. W. Faulkner, a representative to the Convention from Caldwell Parish, introduced a memorial on woman's suffrage on February 11, 1898.¹⁹⁷ The memorial recognized that one of the purposes of the Convention was to establish an educational qualification for voting "to guard more carefully the welfare of the State."¹⁹⁸ However, "the educational qualifications to be imposed may be disregarded, provided a man possesses a certain amount of property."¹⁹⁹ The memorial objected to the different rules applied to women. It stated,

A citizen of Louisiana who happens to be a woman, no matter how highly educated, no matter how great her wealth, has no voice in the taxation of her property. Is she to be denied that which is not denied to an illiterate negro who may be the fortunate possessor of a few hundred dollars worth of property?²⁰⁰

The suffragists bolstered their position by drawing upon the suffrage that women exercised in Wyoming, Colorado, Utah, and Idaho by 1898. They expressed confidence that Washington, California, and North and South Dakota also would soon provide for woman's suffrage. Moreover, municipal suffrage for women already existed in Kansas. School suffrage was in force in a majority of states. Australia provided an example of proportional representation and woman's suffrage. England and Canada were examples of municipal suffrage for women taxpayers.²⁰¹ The success of the elective franchise for women in these jurisdictions provided a firm foundation to support the suffragists' plea on behalf of women in Louisiana. As the suffragists asserted, "Wherever the experiment of woman suffrage has been tried it has met with

194. Lindig, *supra* note 1, at 113.

195. Gilley, *supra* note 1, at 292.

196. Merrick, *supra* note 23, at 223. See also Gilley, *supra* note 1, at 291.

197. Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, Feb. 8, 1898, at 48.

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

unqualified success, according to men of high repute and high in authority."²⁰²

In the memorial, the suffragists listed several advantages of conferring the vote upon educated women. First, it would "bring to the already enfranchised class a proportionately large number of intelligent voters."²⁰³ Second, the suffragists argued that the vote for women would bring to the ballot "a mora[l] element very much to be desired . . . The Conscience of the Community." Third, the suffragists argued that the ballot for women would "bring to it a spirit of earnestness and of active interest which will greatly stimulate the passive of men who are now frequently indifferent to their duties of citizenship. When the wife can vote two good votes will be obtained where often there were none before." Fourth, the suffragists argued that woman's suffrage "would bring a splendid addition to the poll tax fund, which, if applied to educational purposes, would conduce largely to raise Louisiana above the low rank she occupies intellectually."²⁰⁴

Mr. Faulkner proposed allowing women to vote who were "married or unmarried, not under twenty-one years of age, possessing the qualifications prescribed . . . as to property and educational qualifications necessary to enable citizens to register as qualified voters."²⁰⁵ However, Mr. Brezeale proposed an amendment to the suffrage provisions that only allowed women to vote on tax issues. The amendment read,

Upon all questions submitted to the taxpayers, as such, of any municipality or other political subdivision of the State, the qualifications of such taxpayers or voters shall be residence and age as prescribed by this article, and the bona fide ownership of property to be effected by such proposed tax. Provided women taxpayers, possessing the qualifications of residence and age, shall have the right to vote at such elections.²⁰⁶

Merrick, along with the other woman's suffrage leaders in Louisiana, ascribed to the commonly accepted view that restrictions on the right of blacks to vote were necessary because blacks were uneducated. Therefore, blacks were unfit to assume their rights as citizens. In contrast, white women had fully prepared themselves to exercise their duties as citizens to vote. Merrick succinctly expressed this view:

202. *Id.*

203. *Id.*

204. *Id.*

205. *Id.* at 104.

206. Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, Feb. 8, 1898, at 103.

Those only who have lived where the negro equals or outnumbers the white population can understand his character, and the grave problem now confronting this nation. The danger in enfranchising a large class uninstructed in the duties of citizenship and totally ignorant of any principles of government, will prove an experiment not in vain if it enforces on the people of the United States the necessity to restrict suffrage to those who are trained in the knowledge and spirit of American institutions. It should serve to emphasize the unwisdom and injustice of denying the ballot because of sex to one-half of its American born citizens who, by education and patriotism, are qualified for the highest citizenship.²⁰⁷

Thus, the woman's suffrage leaders of Louisiana unequivocally agreed with the reasoning behind the restrictions the Convention placed on the elective franchise that ensured white supremacy, particularly the educational qualification. Mr. Bolton from Rapides Parish expressed the prevailing view at the Convention:

The right to vote is not a natural right but a privilege granted by the State to the citizens for the purpose of good governance . . . [N]o one should enjoy the privilege unless he is qualified by some degree of education to exercise it discretely and intelligently. Under every system the voters are required to have reached the age of discretion . . . This requirement should be extended, and discretion demanded, not only in years, but in point of intelligence . . . to the end that purity of the ballot may be secured and honest elections obtain.²⁰⁸

Moreover, Merrick's support for an educational qualification to vote was consistent with the early positions of the Women's Christian Temperance Union that shared the roots of the suffrage movement in Louisiana. Frances Willard, the WCTU president for ten years, believed "it would be better if not only in the South but throughout the nation we had an educational rather than a color or sex limit put upon the ballot."²⁰⁹ Merrick also agreed with the predominate view that restricted the uneducated whites and recent immigrants as well as all blacks from inclusion in the electorate or people of the state. Apparently, she believed that government only existed to serve the interests of the educated white males and white females. Merrick explained the effects of an educational qualification:

207. Merrick, *supra* note 23, at 112-13.

208. Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, Feb. 8, 1898, at 76 (memorial presented by Mr. Bolton from the members of Rapides Parish on the fourteenth day's proceedings).

209. Carol Mattingly, *Well-Tempered Women: Nineteenth Century Temperance Rhetoric* 78 (1998).

A proper educational qualification for the ballot, without sex or color lines, would actualize our vision of "a government for the people, of the people, and by the people," and would eliminate the ignorant foreigner . . . as well as the white American who is too indolent or unintelligent to fit himself for the duties of citizenship.²¹⁰

What Merrick failed to mention was that her vision, while appearing racially neutral, in fact eliminated all black voters because they were not provided an educational opportunity equal to white voters.

The Convention members' restrictive views of who were the people of the state was similar to Merrick's beliefs, except that Merrick included some white women. In his summary remarks at the Convention, Hon. Thomas J. Semmes, Chairman of the Committee on the Judiciary, described the purpose of the Convention—to advance white supremacy through the Democratic Party and to suppress the rights of blacks. According to Semmes, only white Democrats were the people of the state. Semmes stated,

We met here to establish the supremacy of the white race, and the white race constitutes the Democratic Party of this State. There is, therefore, no separation whatever between the interests of the State and those of the Democratic Party . . . What is the State? It is the Democratic Party. What are the people of the State? They are the Democracy of the State, and when you eliminate the Democratic Party or the Democracy of the State . . . [w]hat is there left but that which we came here to suppress?²¹¹

Like Semmes, Merrick also believed that the Democratic Party, through the "Solid South," served the true interests of the nation's democracy. Merrick described the role of the South:

The South has long ago accepted its destiny as an integral element of the United States and the great American people. It has set its face resolutely forward with historic purpose. It clings to its past only as its traditions and practices safeguarded constitutional rights and the integrity of a truer republic. Its simpler social structure has enabled it to keep a clearer vision of the purposes of our forefathers in government than the North . . . Never, perhaps, so much as now has a "Solid South" been needed to keep alive the principles of true democracy.²¹²

210. Merrick, *supra* note 23, at 112-13.

211. Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, Feb. 8, 1895, at 374 (closing remarks of Hon. Thomas J. Semmes).

212. Merrick, *supra* note 23, at 100.

This romanticized notion of the traditional social structure in the South served to perpetuate oppression of blacks for another century. The South's past traditions and practices only safeguarded the rights of the white population. The "Solid South" promoted white supremacy. However, if institutionalized racism and white supremacy were initially the purpose of the forefathers, the government of the United States abandoned that vision before the Civil War. The promotion of white supremacy and the suppression of blacks through the Democratic Party in the "Solid South" did nothing to advance true democracy for black citizens. The South refused to accept the citizenship status of black people, denied them their constitutional rights, and excluded them from the mainstream social fabric.

To summarize, the Constitutional Convention passed several voting qualifications. The first requirement was a property qualification of \$300 for voting. The second qualification was an educational test whereby all voters had to read and write intelligently.²¹³ However, the Convention passed a grandfather clause whereby: (1) the legitimate male descendants twenty-one years of age whose male ancestors on or prior to January 1, 1868 were entitled to vote, and (2) males who were naturalized prior to adoption of the Constitution, would not be denied the vote because they failed to meet the educational or property qualifications.²¹⁴ Through these provisions, (1) a white male electorate was secured, (2) black men were disfranchised, and (3) women were still denied the right to vote in general elections. A small concession granted taxpaying women the vote on tax measures. However, Article 112 contained a clause that restricted those who could hold public office to only qualified voters. This article rescinded the concession of the ability to hold public office granted to women under the Louisiana Constitution of 1879 and also disqualified the few women in rural parishes who held school board positions and several female state librarians.²¹⁵ Susan B. Anthony rejoiced over taxation suffrage in Louisiana. She believed that it had a strong moral effect on other states.²¹⁶ The New Orleans women, however, were despondent.

II. WOMAN'S SUFFRAGE IN LOUISIANA: THE NEXT GENERATION

Kate Gordon (1861-1932) was born and raised in New Orleans. Because Gordon's mother was from a socially prominent family, her

213. La. Const. of 1898, art. 3. *See also Suffrage Report Up for Discussion*, The Daily Picayune, Mar. 5, 1898, at 9.

214. La. Const. of 1898, art. 5. *See also Suffrage Report Up for Discussion*, The Daily Picayune, Mar. 5, 1898, at 9.

215. Lindig, *supra* note 1, at 114.

216. *Susan B. Anthony Comes for the Great Woman's Convention*, The Daily Picayune, Mar. 18, 1903, at 5.

five children became accepted in exclusive New Orleans clubs.²¹⁷ Gordon's father, George Hume Gordon, was an immigrant from Scotland. He was an educator who taught school, operated his own school for a time, then was the principal of a boys' school. Gordon's father was a strong advocate for women's rights. He believed that taxation without representation was wrong. He also believed that women were created equally and that educated female property owners had the right to vote. These principles, instilled in Gordon from an early age,²¹⁸ influenced her suffrage philosophy later in her life. Gordon emerged in the early 1900s as a community activist and a prominent leader of the next generation of Louisiana suffragists. After women received taxation suffrage, Gordon wasted no time in implementing the new right.

The first opportunity for women to exercise their new right of taxation suffrage was in June of 1899 when a sewerage and drainage bond issue appeared on the ballot in New Orleans. The city is below sea level and, therefore, was subject to flooding and yellow fever epidemics. Compounding the problems were inadequate sanitary drainage and sewerage and unsafe cistern water.²¹⁹ Kate Gordon went into action. The ERA Club met, and Gordon formed the Sewerage and Drainage League. Influential families held parlor meetings in the American and French Quarters of the city to expose the need for an election. They also sought to overcome the women's scruples about voting.²²⁰ Gordon organized a petition drive that forced the mayor to call an election. Then, Kate Gordon collected over 300 proxies of women who were too timid to cast their ballots. When she collected the proxies, Gordon had her black coachman witness the proxies because a woman by law was an incompetent witness. This provided the aristocratic ladies with an opportunity to compare their legal standing with a black man.²²¹ On election day, Gordon traveled throughout the city and voted over one hundred proxies herself.²²²

Men had a surprising reaction to women at the polls; they treated the women respectfully. The *Daily Picayune* reported that it was a novel sight. Election commissioners reported that the women observed the instructions, voted more punctiliously than many men, and had no trouble arranging their ballots because they knew the routine.²²³

217. Lindig, *supra* note 1, at 110.

218. *Miss Kate Gordon Promoted to National Leadership*, The *Daily Picayune*, July 7, 1901, at 10.

219. Gilley, *supra* note 1, at 292.

220. *Miss Kate Gordon Promoted to National Leadership*, The *Daily Picayune*, July 7, 1901, at 10. See also Gilley, *supra* note 1, at 292; Kathryn W. Kemp, *Jean and Kate Gordon: New Orleans Social Reformers, 1898-1933*, 24 La. Hist. Q. 389, 391 (1983).

221. Lindig, *supra* note 1, at 116. See also Gilley, *supra* note 1, at 293.

222. *Hats off to Our Patriotic Women*, The *Daily Picayune*, June 7, 1899, at 1.

223. *Id.* See also Lindig, *supra* note 1, at 116-17.

Some men escorted their wives to the polls so that they could vote together for the first time. Ultra-conservative men approached the ballot box with timid women on their arms and smiled proudly when their wives voted. The men did not consider the women undignified, unwomanly, or degrading to womanhood; instead, they were proud.²²⁴ Fifteen thousand women cast their votes in the election. The bond issue passed, demonstrating that the women held the balance of power in deciding the outcome of elections in which they voted. The success of the election was attributable to the efforts of Kate Gordon.²²⁵

Gordon gained national recognition for her work. She became the secretary of the National American Woman's Suffrage Association in 1901 and moved to New York.²²⁶ What attracted Susan B. Anthony and Carrie Chapman Catt to Kate Gordon was her verbal ability, her zeal in the suffrage cause, and her desire to obtain for women all of the privileges accorded to men.²²⁷ Her dedication to equality of privileges undoubtedly blended well with the national suffrage philosophy. Gordon's success in her sewerage and drainage campaign also won the acclaim from national leaders.

Upon her appointment to office, Gordon countered several arguments against suffrage. She responded to the allegation that women themselves were indifferent to acquiring the right to vote. She said,

Review every advance, moral or otherwise, and have the majority ever desired the advance? The great earnest minority always shapes thought and leads . . . Furthermore, we must remember how few women are free to have an opinion of their own upon a question involving suffrage. But if the principles of justice and truth and equal rights are the foundation of our government, if the principle laid down by the founders . . . that there shall be no taxation without representation, be part and parcel of our national law, then if only one woman in the entire breadth of this land has the courage to stand up and declare that in conscience she wishes to exercise the right of citizenship. . . she should have that right.²²⁸

Kate Gordon explained her suffrage position:

The whole question of woman suffrage, viewed from a feminine or masculine standpoint, resolves itself into a question

224. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10.

225. *Id.*

226. Lindig, *supra* note 1, at 131. See also Gilley, *supra* note 1, at 293; Kemp, *supra* note 220, at 392.

227. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10.

228. Lindig, *supra* note 1, at 131; Gilley, *supra* note 1, at 293; Elna C. Green, *Southern Strategies: Southern Women and the Woman Suffrage Question* 130 (1997) [hereinafter *Southern Strategies*].

of development. Have you reached a plane on which you are willing to allow reason, and not prejudice, act as a guide? If so, and I believe in the principle of democracy in government, you are bound to recognize the justice of woman suffrage.²²⁹

However, to Gordon, the principles of democracy, justice, and reason did not extend to the black population. Her suffrage philosophy and work reflected her prejudicial attitudes toward black persons and excluded black women from her suffrage cause. Gordon wrote that the

[p]rinciple of self-government for the state is as great as self government for the individual . . . It is not the negro woman nor the negro man especially but the realizing of the frauds of the 14th and 15th Amendments, and which if applied will mean for the south to accept the ideals of an inferior race or continue to perpetuate upon our people the tyranny of a one party power as a matter of self defense.²³⁰

In her statements Gordon revealed her deep-rooted support for white supremacy. Like other Southerners, she carried a great disdain for the Fifteenth Amendment, which was grounded in a racist ideology. To her, liberty was the freedom to hold on to the past Southern traditions and social structures that excluded blacks. Gordon believed the enfranchisement of white woman would finally resolve the problem of reestablishing white supremacy in the South. She said that "[t]he question of white supremacy is one that will only be decided by giving the right of ballot to the educated, intelligent, white women of the South. This is a fact that many of the brightest men in the South are acknowledging today."²³¹

Some of Gordon's philosophy was consistent with the early suffrage leaders under whose tutelage and influence she rose to prominence. Gordon demonstrated the temperance ideology she inherited from the early leaders by emphasizing the centrality of home votes. She also demonstrated an evolution toward a rights-based orientation for Louisiana women. Her later suffrage writings reflected only this rights-based philosophy. She rarely mentioned home protection in her later suffrage rationale, unlike her predecessors. Gordon summarized her early suffrage philosophy by quoting a resolution from a national convention. She said, "Women need equal

229. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10 (quoted in part in Kemp, *supra* note 220, at 394).

230. Kate Gordon to Ida Harper, Dec. 9, 1918, Clay Papers, Archives Department, University of Kentucky (quoted in Wheeler, *supra* note 6, at 169).

231. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10 (quoted in part in Southern Strategies, *supra* note 228, at 131; Elna C. Green, *The Rest of the Story: Kate Gordon and Opposition to the Nineteenth Amendment*, 33 La. Hist. Q. 171, 174 (1992) [hereinafter *Rest of the Story*]).

suffrage in order to secure equality in the home; for wives, independent and property rights; for mothers, equal guardianship and control of their children; for wage earners, equal pay for equal work; for all women, larger interests, broader intelligence, self-protection and self-respect."²³² Racism, however, became a primary motivation in her work. Race was a prevalent factor in the work of the early suffragists. However, it was not the focus of their work or the one principle that guided their philosophy as it was for Gordon. In her speeches, Gordon regularly referred to blacks with terms like "fool niggers," "cornfield darkies," and "coon nature."²³³

Gordon maintained her ties with New Orleans while she was secretary of the NAWSA. Along with Caroline Merrick and the ERA Club, she brought the national convention of the National American Woman's Suffrage Association to New Orleans in 1903. Caroline Merrick addressed the convention on March 19, 1903, for over an hour. She accused the political machines, not the thinking men, of denying the vote to women. According to Merrick, a woman's vote was uncertain because it could not be bought with whiskey and cigars. Women's vote also demanded that decent, self-respecting men be placed in office. Therefore, Merrick described women's vote as a powerful force that instilled fear in the political machines.²³⁴ She said,

The danger is not from the emigration vote, but the danger is from above, from the political bosses; and so, my sisters, the time has come when we must take up the fight, not for justice and right, but because of the love for our country. We must say, 'My country, 'tis of thee, sweet land of liberty.' We want the opportunity to make the men of this country free and independent.²³⁵

Merrick's assessment was accurate because in 1918 the political machine of Mayor Martin Behrman of New Orleans led to the defeat of a state suffrage amendment for women.

Susan B. Anthony also spoke to the convention, observing that the women patiently looked, listened, and learned much from everywhere they had suffrage. She proclaimed that "women in public life will aid the betterment of society and the State."²³⁶ However, she looked to the younger generation to carry on the fight. She said, "We, the pioneers, leave to our younger societaires, like the noble young women of the

232. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10 (quoting Kate Gordon).

233. Lindig, *supra* note 1, at 102.

234. *A Remarkable Opening to the Women's Convention, Cheered by News from Arizona Where Legislature Adopted a Suffrage Law*, The Daily Picayune, Mar. 20, 1903, at 1.

235. *Id.* (quoting Caroline Merrick).

236. *Id.* at 7.

ERA Club of New Orleans, the task of bringing it to successful termination the work we have planned and for which we have fought so long."²³⁷

A. Suffrage Activities in Louisiana After the Turn of the Century

While Kate Gordon served the National American Woman's Suffrage Association ("NAWSA"), her sister Jean Gordon was active in many civic affairs. Through her active membership in the ERA Club's legislative committee, Jean Gordon waged a campaign for child labor laws. The legislature finally responded with the Child Labor Act of 1906 and an amendment to the state constitution to allow women to be factory inspectors. Jean served as the first inspector until 1911.²³⁸ Jean realized that the child labor laws were inadequate and began a speaking tour on behalf of strengthening those laws. She also testified before legislative committees. Labor groups who desired a ten hour day in factories and mills and an eight hour day for railroad clerks fought against her nine hour day for women and children. After much compromise, the final bill banned employment of anyone under fourteen. Jean also successfully campaigned for a number of child labor laws throughout the South, serving from 1910-1911 as the president of the Southern Conference of Women and Child Labor.²³⁹

In 1916, the ERA Club was instrumental in gaining equalization of the sexes in the award of city scholarships to Tulane University. Tulane was exempt from taxation, and in return the city could award ten scholarships per year to Tulane that historically went only to males. The scholarships were to be divided equally in the future. The women, however, had to attend Newcomb College because Tulane was an all male institution.²⁴⁰ Jean Gordon and the ERA Club were unsuccessful in obtaining an amendment to Article 212 of the Louisiana State Constitution to allow women to serve on public boards. In 1916, a delegation from the ERA Club appeared before the House Judiciary Committee to argue for the proposed revision to Civil Code article 210. The revision would restore the right of women to appointment to public boards. Kate Gordon explained, "We are not demanding anything new in this; we are simply asking to have restored to us the right formerly possessed."²⁴¹ Mayor Behrman's political machine, the Old Regulars

237. *Id.* For a discussion of the convention, see Lindig, *supra* note 1, at 132-35.

238. Lindig, *supra* note 1, at 118.

239. *Id.* at 119-20. For a discussion of Jean Gordon's civic work, see Kemp, *supra* note 220.

240. *ERA Club Elects Mrs. H. B. Bartlett as Its President*, The Times Picayune, May 28, 1916, at 5A. See also Gilley, *supra* note 1, at 294.

241. *Id.*

or the Choctaw Club, defeated the amendment. The ERA Club made several legislative appeals. At first, the women were faced with jesting and ridicule, but after a few years the legislators accorded them consideration and dignity. Nevertheless, the legislature regularly defeated their proposals.²⁴²

In the first decade of the 1900s, interest in the federal amendment at the national level had dwindled. Then, in 1909, Carrie Chapman Catt petitioned Congress for a federal amendment. In 1912, the Progressive Party under Theodore Roosevelt added equal suffrage to its platform. In 1914, Alice Paul formed the Congressional Union, which later became the National Woman's Party in 1916. The Congressional Union worked exclusively for the federal amendment. In 1914, the Senate voted in favor of the federal suffrage amendment by a vote of thirty-five to thirty-four.²⁴³ Also, Carrie Chapman Catt resumed the presidency of the NAWSA in 1917. She initiated a confidential five-year plan of action to obtain suffrage.²⁴⁴

When the push at the national level for a federal amendment for woman's suffrage resumed in 1909, Kate Gordon resigned from the NAWSA because her states' rights position was in opposition to the federal amendment.²⁴⁵ Kate Gordon's initial comfort as secretary of the NAWSA resulted from the NAWSA's states rights policy adopted in 1903 allowing local affiliates to establish their own suffrage strategies. She insisted that she always opposed the federal amendment. She thought the limited federal suffrage campaign was a good idea "as long as the chances for a national amendment were not within the range of possibility."²⁴⁶ However, with the steady progress resulting from renewed interest in the federal amendment, Gordon then feared the amendment's success. Kate and Jean Gordon insisted that the federal suffrage amendment would destroy state sovereignty. They appealed,

We urge on our people a realization of the issue at stake. State Sovereignty the basic on which our government was ratified will be destroyed in the event of a National Woman Suffrage Amendment being submitted and ratified and Centralization in government substituted. The autocratic ideal of Hamilton supplant the democratic ideal of Jefferson.²⁴⁷

242. Lindig, *supra* note 1, at 120.

243. Kenneth R. Johnson, *Kate Gordon and the Woman-Suffrage Movement in the South*, 38 J. S. Legal Hist. 365, 366 (1972).

244. Lindig, *supra* note 1, at 138.

245. *Id.* See also *Rest of the Story*, *supra* note 231, at 175; Gilley, *supra* note 1, at 297.

246. Wheeler, *supra* note 6, at 136.

247. Kate Gordon to Laura Clay, Mar. 26, 1918, Clay Papers, Archives Department, University of Kentucky (quoted in Wheeler, *supra* note 6, at 168).

Thus, the Gordons believed that only the interests of state sovereignty preserved democracy. They saw the federal amendment as destructive of state sovereignty because it would substitute state control with a centralized government, forcing the states to yield to its power. That centralized national power would inevitably end white supremacy in the South. Gordon expressed the depth of her conviction when she said, "I would rather see my right arm withered in its socket than to raise it in behalf of vitalizing the Fifteenth Amendment, and above all destroy the safeguard of our liberty, state sovereignty."²⁴⁸

Gordon believed that the federal amendment was a Republican Party trick to divide the "Solid South." She claimed that a Democratic South represented the then-existing "anti-nigger" sentiment.²⁴⁹ Gordon advocated woman's suffrage as a constitutional, irreversible method to achieve white supremacy by ensuring the numerical superiority of white voters.²⁵⁰ Gordon reflected,

The white women of the south hold the balance of power. Their vote will eliminate the question of the negro in politics, and it will be a glad free day for the south when the ballot is placed in the hands of its intelligent, cultured, pure and noble womanhood . . . [B]etween the negro vote and the vote of intelligent womanhood, the south, true to its traditions, will trust its women, and thus placing in their hands the balance of power, the negro as a disturbing element in politics will disappear.²⁵¹

In spite of legal advice to the contrary, Gordon also believed that southern white women could seek suffrage from the states and exclude black women. She thought this was possible without contravening black women's rights because the Fifteenth Amendment's grant of voting rights to black men excluded black women.²⁵² If southern states remained firm in their refusal to enfranchise white women, Gordon threatened to publicize the unconstitutionality of grandfather clauses, literacy tests, poll taxes, understanding clauses, and other measures used to disfranchise black men. She maintained that this would force the federal government to intervene. If that had no effect, she would then support the federal amendment to threaten state control of the electorate.²⁵³ In fact, in 1915 Gordon erroneously claimed that credit

248. Kate Gordon to Ida Boyer, Sept. 16, 1918, Clay Papers, Archives Department, University of Kentucky, (quoted in Wheeler, *supra* note 6, at 133). See also Johnson, *supra* note 243, at 367.

249. Southern Strategies, *supra* note 228, at 131.

250. *Id.*

251. *Miss Kate Gordon Promoted to National Leadership*, The Daily Picayune, July 7, 1901, at 10 (quoting Kate Gordon).

252. Gilley, *supra* note 1, at 294.

253. *Id.*

when in *Guinn v. United States* the Supreme Court declared the grandfather clauses in state constitutions to be unconstitutional.²⁵⁴

B. The Southern Woman Suffrage Conference and the Splintered Movement

After she returned to New Orleans in 1913, Gordon resumed her work through the ERA Club. Kate Gordon called on the southern woman's suffrage supporters to join her in forming the Southern States Woman Suffrage Conference ("SSWSC") to exclusively promote state suffrage amendments. When Gordon called the first conference of Southerners to determine their suffrage strategy for the South, she wrote a letter to all of the Southern governors. The letter stated,

We are united in the belief that suffrage is a State right, and that the power to define a state's electorate should remain the exclusive right of the State. However, we recognize that woman suffrage is no longer a theory to be debated but a condition to be met . . . [U]nless the South squarely faces the issue and takes steps to preserve the state's rights, the force of public opinion will make it mandatory through a National Constitutional Amendment . . . While, as Southerners, we wish to see the power of the State retained, yet as women we are equally determined to secure . . . the right which is the birthright of an American citizen. We, therefore, appeal to you gentlemen vested with the power to so largely shape conditions, to confer with us and influence public opinion to adopt woman suffrage through State action. Failing to accomplish this, the onus of responsibility will rest upon the men of the South, if Southern women are forced to support a National Amendment, weighted with the same objections as the Fifteenth Amendment.²⁵⁵

Thus, Gordon appealed to Southern leaders by declaring loyalty to states' rights. At the same time, she threatened to support the federal amendment if the men failed to back her suffrage efforts.²⁵⁶

254. Johnson, *supra* note 243, at 377.

255. Letter from Kate Gordon, to the Governors of the Southern States. July, 1913, newspaper clipping, Catherine Waugh McCulloch papers, Schlesinger Library, Radcliffe College, Cambridge, Massachusetts (quoted in Wheeler, *supra* note 6, at 140-41; see letter from Kate Gordon to Laura Clay, July 5, 1913. Clay Papers, Archives Department, University of Kentucky, quoted in Johnson, *supra* note 243, at 369) (see New Southern Citizen 4-5(Nov. 1913) quoted in part in Lindig, *supra* note 1, at 143). For an account of the formation of the SSWSC, see Lindig, *supra* note 1, at 142-44; Wheeler, *supra* note 6, at 140-41; Southern Strategies, *supra* note 228, at 132-35.

256. See Wheeler, *supra* note 6, at 141.

Indeed, the Democratic Party in the "Solid South" opposed any new federal suffrage amendment but had the power to grant woman's suffrage on a state-by-state basis.²⁵⁷ However, no governor attended the Conference.

At the Conference, no woman could vote for officers unless she paid the "poll tax," the one dollar individual membership fee. The conference imposed no educational qualifications except the ability to write the name of the candidate on the ballot. Only once did someone complain of ballot box stuffing when a person voted for an imaginary candidate.²⁵⁸ The first elected officers were Kate Gordon, President, Laura Clay of Kentucky, Vice President, and Ida Porter Boyer of Pennsylvania, Executive Secretary.²⁵⁹ According to the articles of the first conference, the purpose was "to obtain the enfranchisement of the women of the Southern States, principally through the medium of state legislation, and to promote the cause of suffrage throughout the United States."²⁶⁰ The members decided to leave "states rights" out of the organization's name, but the purpose of the organization remained the enfranchisement of southern women principally through state legislation.²⁶¹ Belle Kearney of Mississippi addressed the assembly and compared the slave-owning feudalism of the old south with the abolition of cast lines that then existed. She called on white men, including European immigrants, to settle among the women in the South. Kearney predicted, "Place them in direct competition with the negro in the struggle for existence and let the fittest survive. The victory must ultimately lie with the Caucasian and we will in time have a white south."²⁶² The first SSWSC convention adopted the following resolutions:

Whereas the suffrage right is not conferred by the United States Constitution, and which right in the foresight and wisdom of the framers was reserved to the states: and Whereas the chivalry of justice to women as well as the lesson of expediency gathered from the experience of the past dictate that the time has come for the men of the South to recognize in the force of a rapidly concentrating public opinion, that the votes for the women's movement is an inevitable one.

Therefore be it resolved that in the name of the women in industry in the South whose need for the ballot is imperative;

257. *Id.*

258. *Suffrage for South and State*, The Daily Picayune, Nov. 13, 1913, at 5.

259. *Id.*

260. *Id.*

261. *Women Don't Urge States Rights*, The Daily Picayune, Nov. 12, 1913, at

5. See also Johnson, *supra* note 243, at 371.

262. *Id.*

in the name of the matters of the South, whose need for the ballot for the protection of the home is imperative: in the name of the woman of the South, whose ballot would mean to the state a maximum of educated voters and a minimum of criminal vote: this Southern conference of women take steps to have the political parties of the South . . . declare themselves in favor of woman suffrage through state amendment.²⁶³

The SSWSC was headquartered in New Orleans, and published the *New Southern Citizen* with the motto "Make the Southern States White."²⁶⁴

However, not all southern suffragists followed Gordon. The ERA Club was divided over Gordon's exclusive states rights approach. Sake Meehan, working for the Louisiana Woman's Suffrage Association, formed the Louisiana Woman's Suffrage Party ("WSP"). Over Gordon's opposition, the NAWSA accepted the WSP as an affiliate.²⁶⁵ Gordon proposed that the SSWSC become the southern wing of the NAWSA to undertake all national work in the South. However, Carrie Chapman Catt rejected the proposal.²⁶⁶ Mrs. A. B. Singletary of Baton Rouge also formed the Equal Suffrage League, which later became a branch of the Equal Suffrage Party.²⁶⁷

Nevertheless, creating separate organizations did not resolve the hostilities between the different factions in Louisiana's woman's suffrage movement. The women of the WSP resented Gordon's heavy-handed leadership of the ERA Club. Meehan believed that if she could silence Gordon, the cause of suffrage would benefit.²⁶⁸ Gordon claimed that the WSP was merely a personal attack on her and an effort to overthrow her leadership in the state.²⁶⁹ The press reported the animosity. Dr. Anna Howard Shaw, president of the NAWSA, appealed to each side to end the personality disputes and to work without reference to the other side.²⁷⁰ However, the ladies did not heed her plea. In fact, by 1917 many modern suffragists who were unwilling to restrict their efforts to an exclusive states' rights approach ceased supporting the SSWSC. As a result, most of the activities of the

263. *Id.*

264. *Southern Strategies*, *supra* note 228, at 133. Also in November 1913 a Louisiana Affiliate of the SSWSC, the Louisiana Woman Suffrage Association formed with Jean Gordon as president. Gilley, *supra* note 1, at 299.

265. Gilley, *supra* note 1, at 300; Lindig, *supra* note 1, at 141; *Southern Strategies*, *supra* note 228, at 135.

266. Johnson, *supra* note 243, at 372-73; *Rest of the Story*, *supra* note 231, at 176; *Southern Strategies*, *supra* note 228, at 133; Gilley, *supra* note 1, at 300; Wheeler, *supra* note 6, at 145.

267. Gilley, *supra* note 1, at 300.

268. *Rest of the Story*, *supra* note 231, at 177.

269. *Id.* at 177-78.

270. *Id.* at 178.

SSWSC terminated.²⁷¹ However, states' rights as a suffrage philosophy continued with Gordon's followers who relied on the SSWSC as a viable entity.²⁷²

C. The Defeat of Woman's Suffrage in Louisiana

In 1914, the Woman's Suffrage Party supported a full suffrage bill in the Louisiana House of Representatives that failed to gain the needed two-thirds majority. Then, in 1915, a special session of the Louisiana legislature proposed a convention to amend the Constitution. Kate Gordon and Jean Gordon organized suffrage committees in forty parishes. However, the convention was voted down.²⁷³ Later, in May 1916, members of the ERA Club again appeared unsuccessfully before the Louisiana House Judiciary Committee to promote equal suffrage. They also appealed to the Senate Judiciary Committee to have Article 210 of the Constitution amended to give women the right to appointments on public boards.²⁷⁴ The first Married Woman's Emancipation Act passed in 1916.²⁷⁵

In 1918, Gordon again attempted to achieve a states' rights solution in Louisiana. Kate and Jean Gordon pressured the Louisiana Legislature to submit a woman's suffrage amendment to the voters.²⁷⁶ During the campaign, the factional rivalry resurfaced. Gordon commented of the other Louisiana suffragists, "I am quite of the opinion that the Antis have summed us up correctly, and that women do not want to vote. The apathy, the indifference, the little understanding of suffrage as a basic right appalls me, the nearer I reach the goal."²⁷⁷ Gordon revered the early suffrage leaders but showed disdain for her contemporaries in 1918. Gordon proclaimed,

O, but I am sick of woman suffrage, and almost every other kind of suffrage; and the only thing that supports me is a sense of gratitude to the women that blazed the path for us, and made possible the independence of women today. On the other hand, when I see how absolutely ignorant women undertake leadership, and play with the fire that they do, I am positively sick and disgusted with the whole thing.²⁷⁸

271. Johnson, *supra* note 243, at 390.

272. *Id.*

273. *ERA Club Elects Mrs. H. B. Bartlett as Its President*, The Times Picayune, May 28, 1916, at 5A.

274. *Id.*

275. 1916 La. Acts No. 94, § 1.

276. Gilley, *supra* note 1, at 101.

277. Kate Gordon to Ida Porter Boyer, Sept. 6, 1918, Clay Papers, Archives Department, University of Kentucky (quoted in Wheeler, *supra* note 6, at 178).

278. Kate Gordon to Laura Clay, Feb. 5, 1918, Clay Papers Archives

On June 20, 1918, the state legislature approved a joint resolution proposing a constitutional amendment to confer suffrage and the power to hold office to women. Louisiana political leaders believed that woman's suffrage was inevitable and preferred state suffrage. The Haas-Powell Bill for woman's suffrage passed by a vote of thirty-two to four in the Louisiana Senate and by a vote of eighty to twenty-one in the Louisiana House of Representatives.²⁷⁹ When the governor signed the bill, Kate Gordon barred the leadership of the WSP. The press again reported the tensions between the suffrage factions, which damaged their images and public support.²⁸⁰ The New Orleans States reported that the "sensational of clash between the suffrage factions left a bad taste in the mouths of legislators who supported the signing."²⁸¹ Senator Leon Haas commented when he and Holmes were shut out of the bill, "I thought there was glory enough for all."²⁸² Haas stated his reservations about his support when he said, "[T]he incident . . . has had the effect of almost shaking my confidence in the wisdom of votes for women if in little things—the leaders of the suffrage cause would consent to do an injustice, what might we expect of their actions upon the larger matters of life."²⁸³ Governor Pleasant urged the public to vote for the state suffrage amendment as a duty, "as a matter right and justice."²⁸⁴ He argued that if the states did not give women the right to vote, the nation would do so through a federal amendment.²⁸⁵ Governor Pleasant publicly expressed his reasons for supporting the state suffrage amendment. His reasoning mirrored Kate Gordon's position. He said,

If Southern states do not give to the women the right to vote through state action, it is absolutely certain that the nation will give it to them through federal action . . . The South is the stronghold to opposition to the federal amendment because it does not wish to consent to federal control over our local suffrage for fear it will force the negro back to the ballot box . . . It would be better for each and every Southern state to grant equal suffrage and then instruct their

Department, University of Kentucky (quoted in Wheeler, *supra* note 6, at 178).

279. Gilley, *supra* note 1, at 303; *Rest of the Story*, *supra* note 231, at 179.

280. *Suffrage Suffers in Clash Over Signing*, The New Orleans States, June 21, 1918, at 2. See also *Southern Strategies*, *supra* note 228, at 136; *Rest of the Story*, *supra* note 231, at 179.

281. *Suffrage Suffers in Clash Over Signing*, The New Orleans States, June 21, 1918, at 2.

282. *Id.*

283. *Id.*

284. *Gov. Pleasant Appeals for Support of Suffrage Claim*, The Times-Picayune, Oct. 27, 1918, at A3.

285. *Id.*

senators and representatives to stand pat against the national amendment . . . [A]nother sovereign, therefore, would not possess an additional control over the electorate.²⁸⁶

Governor Pleasant also believed that women should have suffrage because it would give full significance to the Declaration of Independence and make the United States a true democracy. He argued that women were the human and spiritual equals of men. He believed that men and women are different by nature "only in sex, and by function only in politics."²⁸⁷ He recognized that women cannot have the best means of securing their rights to life, liberty, and happiness without the ballot.²⁸⁸ He concluded that woman's suffrage was a step toward real democracy. "If women endured unequal pain in perpetuating the human race, let us give her at least equality of opportunity and privileges," he said.²⁸⁹ Both parish officials²⁹⁰ and suffrage leaders²⁹¹ expected a favorable outcome. Kate Gordon expressed her confidence in a victory by stating:

I base my confidence on the knowledge of the power of partisan political organization. Woman's suffrage has now become a great political battlefield for national supremacy in 1920 . . . For Louisianians, a Democratic stronghold, to knife the national policy by turning down woman's suffrage, declared by the President as an essential, would be party treachery that is incomprehensible. Secondly, I base my confidence on the fact that there are in Louisiana enough men with political vision sufficient to recognize the significance of carrying the state of Louisiana for woman's suffrage and thereby putting our seal of disapproval upon a federal suffrage amendment.²⁹²

Nevertheless, the public defeated the state amendment at the polls by approximately 2,000 votes. Kate Gordon blamed Mayor Martin Behrman who wielded over 14,000 votes through his political machine in opposition to the amendment.²⁹³

286. *Id.*

287. *Id.*

288. *Id.*

289. *Id.*

290. *Give Women the Vote Gracefully: Reports From All Parishes Indicate Victory*, The New Orleans States, Oct. 30, 1918, at 1.

291. *Women Are Sure of Big Victory for Suffrage*, The Times Picayune, Nov. 4, 1918, at 1.

292. *Id.* (quoting Kate Gordon).

293. *Suffrage Lost by Approximately 2000*, The New Orleans States-Item, Nov. 7, 1918, at 1. See also *Rest of the Story*, *supra* note 231, at 181; Gilley, *supra* note 1, at 305. For a discussion of the events surrounding the vote in 1918, see Wheeler, *supra* note 6, at 166-70; Lindig, *supra* note 1, at 160.

After the defeat of the state amendment, Gordon and the other suffrage leaders turned their attention to the federal amendment. The federal amendment passed the United States House of Representatives by a vote of 304 to 89 and passed the United States Senate on June 4, 1919, by a vote of 56 to 25.²⁹⁴ Governor Pleasant sent a telegram to the governors of each southern state, asking for their cooperation to defeat the federal amendment and instead grant woman's suffrage through state constitutions. In the telegram, the governor argued that the Nineteenth Amendment only added the word "sex" to the Fifteenth Amendment, which the southern states unanimously opposed. He predicted that if the Nineteenth Amendment was ratified, the southern states would be unable to oppose the "forced bills by Congress in aid of negro political equality, which will inevitably lead eventually to a struggle on their part for social equalities."²⁹⁵ Governor Pleasant believed that "the welfare of the negro is best served by the domination of an absolutely white government and he should not be encouraged to enter political strifes that will, after all, result in the white race asserting its superiority and will to rule."²⁹⁶

In response to Governor Pleasant's telegram, Lydia Holmes, Chairman of the Woman Suffrage Party of Louisiana, predicted that the South had "no more chance to defeat the federal amendment for woman suffrage than a celluloid dog has to catch an asbestos cat in Hades."²⁹⁷ Holmes was not despondent because she believed that Louisiana's vote would not determine the issue. She was certain of enfranchisement because Governor Goodrich in Indiana telegraphed thirty-five governors to call for special ratification sessions of their legislatures to pass the amendment. In response, twenty-five governors agreed.²⁹⁸ Also, many states already provided woman's suffrage. Fifteen states already had full suffrage. Ten states had presidential suffrage. One state was in litigation because the governor had vetoed suffrage. Two states had primary suffrage.

294. *Women Suffrage Amendment Passes Senate by 56 to 25 Vote*, The Times Picayune, June 5, 1919, at 1.

295. *Defeat Woman Suffrage Amendment, South Is Urged*, newspaper clipping, Joseph E. Ransdell Scrapbook, Archives Department, Louisiana State University Library; *Urges Defeat of Woman Suffrage*, The Times Picayune, June 27, 1919, at 1. See also *Rest of the Story*, *supra* note 231, at 181.

296. *Urges Defeat of Woman Suffrage*, The Times Picayune, June 27, 1919, at 10.

297. *Suffrage Can't Be Beaten, Says Mrs. L. W. Holmes: Federal Amendment Sure to Be Ratified by Enough States, She Asserts*, The New Orleans Item, June 29, 1919 (newspaper clipping, Joseph E. Ransdell Scrapbook, Archives Department, Louisiana State University Library).

298. *Id.*

Three non-suffrage states had already ratified the amendment. Therefore, Holmes believed she could count on these states to ensure the amendment's success.²⁹⁹

Holmes vowed that the Woman Suffrage Party would continue to advocate for both the federal amendment and states rights until the fight was finished. She admonished opponents for not amending the federal amendment to meet the needs of the South if they had objections to it.³⁰⁰ Holmes reassured the southern men that even with the federal amendment, they would always make and regulate essential laws to ensure the welfare, prosperity, and happiness of the South. Moreover, they would be able to impose the voter qualifications they deemed appropriate.³⁰¹

The Louisiana Legislature addressed the issue of the federal amendment in June, 1920, with both a state amendment and the federal amendment proposed for consideration. The debate was three-sided. The ratificationists advocated federal suffrage. The states' righters supported state suffrage. The anti-suffragists opposed both measures. This meant that whoever could forge an alliance of two sides would claim victory.³⁰² Gordon was so disgusted with the southern suffrage support for the Nineteenth Amendment that she wrote, "I am so heartily sick of the whole situation and the way the suffragists have deserted all the things we contended for as the fruit of woman suffrage, that I am afraid I will be sympathizing with those arrant fools the anti's."³⁰³ Gordon, the states righters, and the anti-suffragists worked together to defeat the federal amendment.³⁰⁴

A telegram was read to the House and Senate from Frank J. Looney, Chairman of the Democratic State Central Committee, sent at the request of James M. Cox, Democratic candidate for president. The telegram urged them to ratify the federal amendment. The telegram was severely scorned in the House and tabled in the Senate.³⁰⁵ The Senate defeated federal suffrage by twenty-two to nineteen, and the House defeated the federal amendment by sixty-seven to forty-four.³⁰⁶ The states rights bill was defeated in the

299. *Id.*

300. *Id.*

301. *Id.*

302. *Rest of the Story*, *supra* note 231, at 181-82; *Southern Strategies*, *supra* note 228, at 138.

303. Kate Gordon to Laura Clay, Mar. 19, 1920, Clay Papers, Archives Department, University of Kentucky (quoted in Wheeler, *supra* note 6, at 178).

304. *Id.*

305. *Suff. Defeated, Long Battle Ends*, The New Orleans Item, June 9, 1920, at 1.

306. *Senate Defeats Federal Suffrage Bill by 22 to 19*, The Times Picayune, June 8, 1920, at 1. See also Lindig, *supra* note 1, at 160-68 (discussing the suffrage events in Louisiana in 1920). See also *Southern Strategies*, *supra* note

Senate on July 7, 1920, by a vote of twenty-seven to thirteen.³⁰⁷ The women of Louisiana had to wait to receive the right to vote until the federal amendment was ratified late in 1920.

III. CONCLUSION

Suffragists blamed many interests for the defeat of woman's suffrage in Louisiana: (1) the governor who failed to use his influence to support suffrage; (2) the states' rights suffragists who sacrificed the state bill to defeat the federal amendment; (3) the ratificationists who professed to support one side in order to divide the movement and defeat both measures; (4) Mayor Behrman's political machine that opposed the state amendment and provided the needed votes to defeat it; and (5) business interests and liquor lobbyists who equated suffrage with labor regulations and prohibition.³⁰⁸ However, the suffragists largely had themselves to blame for the factional rivalries that divided and weakened the suffrage movement in Louisiana.³⁰⁹

228, at 137-143; Wheeler, *supra* note 6, at 173-180 (providing a regional account of suffrage events in 1920 and southern suffragists reactions to the passage of the Nineteenth Amendment).

307. *States Rights Bill Killed*, The New Orleans Item, June 29, 1919, at 5.

308. Southern Strategies, *supra* note 228, at 184-86. See also *Rest of the Story*, *supra* note 231, at 140; Lindig, *supra* note 1, at 166-68.

309. *Rest of the Story*, *supra* note 231, at 186.